

AMENDMENTS TO ASSEMBLY BILL NO. 2649

Amendment 1

In the title, in line 1, after "act" insert:

to amend Section 1426 of, and to add Section 1432 to, the Water Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1426 of the Water Code is amended to read:
1426. (a) The application for a temporary permit shall be completed in accordance with the provisions of Section 1260 and shall be accompanied by such maps, drawings, and other data as may be required by the ~~board, and the board.~~
(b) An applicant for a temporary permit shall pay an application fee, and a permit fee if a temporary permit is issued, both computed in accordance with the provisions of Chapter 8 (commencing with Section 1525) of this part. The board shall set a reduced application fee for an applicant for a temporary permit for a project that enhances the ability of a local or state agency to capture high precipitation events for local storage or recharge.

SEC. 2. Section 1432 is added to the Water Code, to read:

1432. (a) The board shall prioritize a temporary permit for a project that enhances the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water rights priorities and protections for fish and wildlife.

(b) Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to actions by the board on a temporary permit for a project that enhances the ability of a local or state agency to capture high precipitation events for local storage or recharge.

Amendment 3

On page 1, strike out lines 1 and 2



AMENDMENTS TO ASSEMBLY BILL NO. 2653

Amendment 1

In the title, in line 1, strike out "amend Section 500 of the Business and Professions" and insert:

add Section 1367.48 to the Health and Safety Code, and to add Section 10123.95 to the Insurance

Amendment 2

In the title, in line 2, strike out "healing arts." and insert:

health care coverage.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 1367.48 is added to the Health and Safety Code, to read: 1367.48. A health care service plan contract, except a specialized health care service plan contract, that is issued, amended, delivered, or renewed on or after January 1, 2019, that covers outpatient prescription drug benefits with coverage for naltrexone or acamprostate shall provide coverage for a prescription for naltrexone or acamprostate prescribed by a licensed health care professional affiliated with the plan.

SEC. 2. Section 10123.95 is added to the Insurance Code, to read: 10123.95. An individual or small group health insurance policy that is issued, amended, or renewed on or after January 1, 2019, that covers outpatient prescription drug benefits with coverage for naltrexone or acamprostate shall provide coverage for a prescription for naltrexone or acamprostate prescribed by a licensed health care professional.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 4

On page 1, strike out lines 1 to 7, inclusive, and strike out page 2



AMENDMENTS TO ASSEMBLY BILL NO. 2656

Amendment 1

In the title, in line 1, strike out "10856" and insert:

22651.1

Amendment 2

In the title, strike out line 2 and insert:

vehicles.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 22651.1 of the Vehicle Code is amended to read:

22651.1. ~~Persons~~ (a) A person operating or in charge of any storage facility where vehicles are stored pursuant to Section 22651 shall accept ~~a~~ any valid bank credit card or cash card, debit card, cash, or any combination of those payments as decided by the person presenting the card or cash, for payment of towing and storage by the registered owner, legal owner, ~~the agent of the registered or legal owner, or the owner's agent~~ licensed reposessor claiming the vehicle. A credit or debit card shall be in the name of the person or business entity presenting the card. ~~"Credit card, and does not have to be in the name of the person who has received a vehicle release.~~

(b) "Credit card" means "credit card" as defined in subdivision (a) of Section 1747.02 of the Civil Code, and "debit card" means "debit card" as defined in subdivision (d) of Section 1748.30 of the Civil Code, except, for the purposes of this section, credit card ~~does~~ and debit card do not include a credit card or debit card issued by a retail seller. ~~A~~

(c) A person operating or in charge of any storage facility who refuses or willfully fails to accept a valid bank credit or debit card shall be liable to the owner of the vehicle or to the person who tendered the fees for four times the amount of the towing and storage charges, but not to exceed five hundred dollars (\$500). In addition, persons operating or in charge of the storage facility shall have sufficient funds on the premises to accommodate and make change in a reasonable monetary transaction.

(d) If the credit or debit card transaction cannot be completed electronically, a person operating or in charge of the storage facility shall make a telephone call to receive approval of the transaction.

~~Credit~~

(e) Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of providing for payment by credit when agreeing with a towing or storage provider on rates.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred



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by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 4

On page 1, strike out lines 1 to 5, inclusive, and strike out page 2

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31766

AMENDMENTS TO ASSEMBLY BILL NO. 2661

Amendment 1

On page 4, in line 24, after the first "the" insert:

qualifying sexually violent

Amendment 2

On page 4, in line 27, after the period insert:

A person's subsequent conviction for an offense that is not a sexually violent offense committed while in the custody of the Department of Corrections and Rehabilitation or the State Department of State Hospitals prior to the resolution of a petition filed pursuant to this section, shall not change jurisdiction for the petition from the county in which the person was convicted of the qualifying sexually violent offense. If a person is convicted of a subsequent sexually violent offense committed while in the custody of the Department of Corrections and Rehabilitation or the State Department of State Hospitals that occurs prior to the resolution of a petition filed pursuant to this section a subsequent petition for commitment as a sexually violent predator pursuant to this section shall be filed in the superior court of the county in which the person was convicted of the subsequent sexually violent offense.

Amendment 3

On page 5, below line 2, insert:

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



AMENDMENTS TO ASSEMBLY BILL NO. 2668

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to amend Section 51747.3 of, and to add Section 51745.5 to, the Education Code, relating to pupil instruction.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 51745.5 is added to the Education Code, to read:
51745.5. Notwithstanding any other law, a pupil who does not meet the immunization requirements of Section 120335 of the Health and Safety Code may enroll in an independent study program that does not require classroom-based instruction and that is outside of the geographic boundaries of the school district or county in which the pupil resides if the school district or county office of education of residence, or a charter school within the geographic boundaries of the school district or county of residence, does not offer an independent study program that does not require classroom-based instruction.

SEC. 2. Section 51747.3 of the Education Code is amended to read:

51747.3. (a) Notwithstanding any other law, a local educational agency, including, but not limited to, a charter school, may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the local educational agency has provided any funds or other thing of value to the pupil or his or her parent or guardian that the local educational agency does not provide to pupils who attend regular classes or to their parents or guardians. A charter school may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the charter school has provided any funds or other thing of value to the pupil or his or her parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district, or to his or her parent or guardian.

(b) (1) Notwithstanding paragraph (1) of subdivision (d) of Section 47605 or any other law, and except as specified in paragraph (2), community school and independent study average daily attendance shall be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of the county in which the apportionment claim is reported, or who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

(2) In addition to claiming independent study average daily attendance pursuant to paragraph (1), a school district, county office of education, or charter school may also claim independent study average daily attendance for a pupil who does not meet the residency requirements of paragraph (1) and who is enrolled in the school district, county office of education, or charter school pursuant to Section 51745.5.



(c) The Superintendent shall not apportion funds for reported average daily attendance, through full-time independent study, of pupils who are enrolled in school pursuant to subdivision (b) of Section 48204.

(d) In conformity with Provisions 25 and 28 of Item 6110-101-001 of Section 2.00 of the Budget Act of 1992, this section is applicable to average daily attendance reported for apportionment purposes beginning July 1, 1992. The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

(e) This section shall become operative on January 1, 2018.

Amendment 3

On page 1, strike out lines 1 to 8, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2678

Amendment 1

In the title, in line 1, after "act" insert:

to amend Section 1798.82 of the Civil Code,

Amendment 2

In the title, in line 1, strike out "information security practices." and insert:

privacy.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 1798.82 of the Civil Code is amended to read:

1798.82. (a) A person or business that conducts business in California, and that owns or licenses computerized data that includes personal information, shall disclose a breach of the security of the system following discovery or notification of the breach in the security of the data to a resident of California (1) whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person, or, (2) whose encrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person and the encryption key or security credential was, or is reasonably believed to have been, acquired by an unauthorized person and the person or business that owns or licenses the encrypted information has a reasonable belief that the encryption key or security credential could render that personal information readable or useable. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subdivision (c), or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

(b) A person or business that maintains computerized data that includes personal information that the person or business does not own shall notify the owner or licensee of the information of the breach of the security of the data immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

(c) The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this section shall be made promptly after the law enforcement agency determines that it will not compromise the investigation.

(d) A person or business that is required to issue a security breach notification pursuant to this section shall meet all of the following requirements:

(1) The security breach notification shall be written in plain language, shall be titled "Notice of Data Breach," and shall present the information described in paragraph



(2) under the following headings: “What Happened,” “What Information Was Involved,” “What We Are Doing,” “What You Can Do,” and “For More Information.” Additional information may be provided as a supplement to the notice.

(A) The format of the notice shall be designed to call attention to the nature and significance of the information it contains.

(B) The title and headings in the notice shall be clearly and conspicuously displayed.

(C) The text of the notice and any other notice provided pursuant to this section shall be no smaller than 10-point type.

(D) For a written notice described in paragraph (1) of subdivision (j), use of the model security breach notification form prescribed below or use of the headings described in this paragraph with the information described in paragraph (2), written in plain language, shall be deemed to be in compliance with this subdivision.

[NAME OF INSTITUTION / LOGO]		Date: [insert date]
NOTICE OF DATA BREACH		
What Happened?		
What Information Was Involved?		
What We Are Doing.		
What You Can Do.		

Other Important Information. [insert other important information]	
For More Information.	Call [telephone number] or go to [Internet Web site]

(E) For an electronic notice described in paragraph (2) of subdivision (j), use of the headings described in this paragraph with the information described in paragraph (2), written in plain language, shall be deemed to be in compliance with this subdivision.

(2) The security breach notification described in paragraph (1) shall include, at a minimum, the following information:

(A) The name and contact information of the reporting person or business subject to this section.

(B) A list of the types of personal information that were or are reasonably believed to have been the subject of a breach.

(C) If the information is possible to determine at the time the notice is provided, then any of the following: (i) the date of the breach, (ii) the estimated date of the breach, or (iii) the date range within which the breach occurred. The notification shall also include the date of the notice.

(D) Whether notification was delayed as a result of a law enforcement investigation, if that information is possible to determine at the time the notice is provided.

(E) A general description of the breach incident, if that information is possible to determine at the time the notice is provided.

(F) The toll-free telephone numbers and addresses of the major credit reporting agencies if the breach exposed a social security number or a driver's license or California identification card number.

(G) If the person or business providing the notification was the source of the breach, an offer to provide appropriate identity theft prevention and mitigation services, if any, shall be provided at no cost to the affected person for not less than 12 months along with all information necessary to take advantage of the offer to any person whose information was or may have been breached if the breach exposed or may have exposed personal information defined in subparagraphs (A) and (B) of paragraph (1) of subdivision (h).

(H) If the breach exposed or may have exposed personal information defined in subparagraphs (A) and (B) of paragraph (1) of subdivision (h), notice that the affected person may elect to place a security freeze on his or her credit report by making a

request in writing by mail to a consumer credit reporting agency and an explanation of how a security freeze differs from identity theft prevention and mitigation services.

(3) At the discretion of the person or business, the security breach notification may also include any of the following:

(A) Information about what the person or business has done to protect individuals whose information has been breached.

(B) Advice on steps that the person whose information has been breached may take to protect himself or herself.

(e) A covered entity under the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d et seq.) will be deemed to have complied with the notice requirements in subdivision (d) if it has complied completely with Section 13402(f) of the federal Health Information Technology for Economic and Clinical Health Act (Public Law 111-5). However, nothing in this subdivision shall be construed to exempt a covered entity from any other provision of this section.

(f) A person or business that is required to issue a security breach notification pursuant to this section to more than 500 California residents as a result of a single breach of the security system shall electronically submit a single sample copy of that security breach notification, excluding any personally identifiable information, to the Attorney General. A single sample copy of a security breach notification shall not be deemed to be within subdivision (f) of Section 6254 of the Government Code.

(g) For purposes of this section, "breach of the security of the system" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the person or business. Good faith acquisition of personal information by an employee or agent of the person or business for the purposes of the person or business is not a breach of the security of the system, provided that the personal information is not used or subject to further unauthorized disclosure.

(h) For purposes of this section, "personal information" means either of the following:

(1) An individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:

(A) Social security number.

(B) Driver's license number or California identification card number.

(C) Account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

(D) Medical information.

(E) Health insurance information.

(F) Information or data collected through the use or operation of an automated license plate recognition system, as defined in Section 1798.90.5.

(2) A user name or email address, in combination with a password or security question and answer that would permit access to an online account.

(i) (1) For purposes of this section, "personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

(2) For purposes of this section, "medical information" means any information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional.

(3) For purposes of this section, "health insurance information" means an individual's health insurance policy number or subscriber identification number, any unique identifier used by a health insurer to identify the individual, or any information in an individual's application and claims history, including any appeals records.

(4) For purposes of this section, "encrypted" means rendered unusable, unreadable, or indecipherable to an unauthorized person through a security technology or methodology generally accepted in the field of information security.

(j) For purposes of this section, "notice" may be provided by one of the following methods:

(1) Written notice.

(2) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in Section 7001 of Title 15 of the United States Code.

(3) Substitute notice, if the person or business demonstrates that the cost of providing notice would exceed two hundred fifty thousand dollars (\$250,000), or that the affected class of subject persons to be notified exceeds 500,000, or the person or business does not have sufficient contact information. Substitute notice shall consist of all of the following:

(A) Email notice when the person or business has an email address for the subject persons.

(B) Conspicuous posting, for a minimum of 30 days, of the notice on the Internet Web site page of the person or business, if the person or business maintains one. For purposes of this subparagraph, conspicuous posting on the person's or business's Internet Web site means providing a link to the notice on the home page or first significant page after entering the Internet Web site that is in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks that call attention to the link.

(C) Notification to major statewide media.

(4) In the case of a breach of the security of the system involving personal information defined in paragraph (2) of subdivision (h) for an online account, and no other personal information defined in paragraph (1) of subdivision (h), the person or business may comply with this section by providing the security breach notification in electronic or other form that directs the person whose personal information has been breached promptly to change his or her password and security question or answer, as applicable, or to take other steps appropriate to protect the online account with the person or business and all other online accounts for which the person whose personal information has been breached uses the same user name or email address and password or security question or answer.

(5) In the case of a breach of the security of the system involving personal information defined in paragraph (2) of subdivision (h) for login credentials of an email account furnished by the person or business, the person or business shall not comply with this section by providing the security breach notification to that email address, but may, instead, comply with this section by providing notice by another method

described in this subdivision or by clear and conspicuous notice delivered to the resident online when the resident is connected to the online account from an Internet Protocol address or online location from which the person or business knows the resident customarily accesses the account.

(k) For purposes of this section, “encryption key” and “security credential” mean the confidential key or process designed to render data useable, readable, and decipherable.

(l) Notwithstanding subdivision (j), a person or business that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this part, shall be deemed to be in compliance with the notification requirements of this section if the person or business notifies subject persons in accordance with its policies in the event of a breach of security of the system.

Amendment 4

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2679

Amendment 1

In the title, in line 1, strike out "amend Section 1276 of" and insert:
add Section 1275.8 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1275.8 is added to the Health and Safety Code, to read:
1275.8. On or before January 1, 2020, the department shall amend Sections
70825(a)(4) and 71629(a)(4) of Title 22 of the California Code of Regulations to reflect
modern advancements in linen laundry processes.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive, and strike out pages 2 and 3



AMENDMENTS TO ASSEMBLY BILL NO. 2690

Amendment 1

In the title, in line 1, strike out "amend Section 17026 of the Revenue and Taxation Code,"; strike out line 2 and insert:

add and repeal Section 330 of the Unemployment Insurance Code, relating to payroll.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 330 is added to the Unemployment Insurance Code, to read:

330. (a) The Employment Development Department and the Franchise Tax Board shall develop a written report, by July 1, 2019, to be submitted to the Legislature with recommendations for the enactment of a voluntary payroll charge imposed on employers.

(b) (1) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2023.

Amendment 3

On page 1, strike out lines 1 to 5, inclusive



AMENDMENTS TO ASSEMBLY BILL NO. 2694

Amendment 1

In the title, in line 1, after "act" insert:

to amend Sections 6300 and 6340 of the Family Code, and to amend Section 15657.03 of the Welfare and Institutions Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 6300 of the Family Code is amended to read:

6300. (a) An order may be issued under this part, with or without notice, except as otherwise provided in subdivision (b), to restrain any person for the purpose specified in Section 6220, if an affidavit or testimony and any additional information provided to the court pursuant to Section 6306, shows, to the satisfaction of the court, reasonable proof of a past act or acts of abuse. The court may issue an order under this part based solely on the affidavit or testimony of the person requesting the restraining order.

(b) A temporary restraining order issued pursuant to this part shall be issued without notice.

SEC. 2. Section 6340 of the Family Code is amended to read:

6340. (a) (1) The court may issue any of the orders described in Article 1 (commencing with Section 6320) after notice and a hearing. When determining whether to make any orders under this subdivision, the court shall consider whether failure to make any of these orders may jeopardize the safety of the petitioner and the children for whom the custody or visitation orders are sought. If the court makes any order for custody, visitation, or support, that order shall survive the termination of any protective order. The Judicial Council shall provide notice of this provision on any Judicial Council forms related to this subdivision.

(2) If at the time of a hearing with respect to an order issued pursuant to this part based on a temporary restraining order, the court determines that, after diligent effort, the petitioner has been unable to accomplish personal service, the court may permit an alternative method of service designed to give reasonable notice of the action to the respondent. Alternative methods of service include, but are not limited to, the following:

(A) Service by publication.

(B) Service by first-class mail sent to the respondent at the most current address for the respondent that is available to the court.

(C) Delivering a copy to the respondent's place of employment by leaving it with a receptionist or a person who is employed in a supervisory position at the place of employment.

(D) Transmitting a copy to the respondent by electronic means.

(b) The court shall, upon denying a petition under this part, provide a brief statement of the reasons for the decision in writing or on the record. A decision stating "denied" is insufficient.



(c) The court may issue an order described in Section 6321 excluding a person from a dwelling if the court finds that physical or emotional harm would otherwise result to the other party, to a person under the care, custody, and control of the other party, or to a minor child of the parties or of the other party.

SEC. 3. Section 15657.03 of the Welfare and Institutions Code is amended to read:

15657.03. (a) (1) An elder or dependent adult who has suffered abuse, as defined in Section 15610.07, may seek protective orders as provided in this section.

(2) A petition may be brought on behalf of an abused elder or dependent adult by a conservator or a trustee of the elder or dependent adult, an attorney-in-fact of an elder or dependent adult who acts within the authority of a power of attorney, a person appointed as a guardian ad litem for the elder or dependent adult, or other person legally authorized to seek the relief.

(3) (A) A petition under this section may be brought on behalf of an elder or dependent adult by a county adult protective services agency in either of the following circumstances:

(i) If the elder or dependent adult has suffered abuse as defined in subdivision (b) and has an impaired ability to appreciate and understand the circumstances that place him or her at risk of harm.

(ii) If the elder or dependent adult has provided written authorization to a county adult protective services agency to act on his or her behalf.

(B) In the case of a petition filed pursuant to clause (i) of subparagraph (A) by a county adult protective services agency, a referral shall be made to the public guardian consistent with Section 2920 of the Probate Code prior to or concurrent with the filing of the petition, unless a petition for appointment of a conservator has already been filed with the probate court by the public guardian or another party.

(C) A county adult protective services agency shall be subject to any confidentiality restrictions that otherwise apply to its activities under law and shall disclose only those facts as necessary to establish reasonable cause for the filing of the petition, including, in the case of a petition filed pursuant to clause (i) of subparagraph (A), to establish the agency's belief that the elder or dependent adult has suffered abuse and has an impaired ability to appreciate and understand the circumstances that place him or her at risk, and as may be requested by the court in determining whether to issue an order under this section.

(b) For purposes of this section:

(1) "Abuse" has the meaning set forth in Section 15610.07.

(2) "Conservator" means the legally appointed conservator of the person or estate of the petitioner, or both.

(3) "Petitioner" means the elder or dependent adult to be protected by the protective orders and, if the court grants the petition, the protected person.

(4) "Protective order" means an order that includes any of the following restraining orders, whether issued ex parte, after notice and hearing, or in a judgment:

(A) An order enjoining a party from abusing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing

the peace of, the petitioner, and, in the discretion of the court, on a showing of good cause, of other named family or household members or a conservator, if any, of the petitioner. On a showing of good cause, in an order issued pursuant to this subparagraph in connection with an animal owned, possessed, leased, kept, or held by the petitioner, or residing in the residence or household of the petitioner, the court may do either or both of the following:

(i) Grant the petitioner exclusive care, possession, or control of the animal.

(ii) Order the respondent to stay away from the animal and refrain from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

(B) An order excluding a party from the petitioner's residence or dwelling, except that this order shall not be issued if legal or equitable title to, or lease of, the residence or dwelling is in the sole name of the party to be excluded, or is in the name of the party to be excluded and any other party besides the petitioner.

(C) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A) or (B).

(5) "Respondent" means the person against whom the protective orders are sought and, if the petition is granted, the restrained person.

(c) (1) An order may be issued under this section, with or without notice, except as provided in paragraph (2), to restrain any person for the purpose of preventing a recurrence of abuse, if a declaration shows, to the satisfaction of the court, reasonable proof of a past act or acts of abuse of the petitioning elder or dependent adult.

(2) A temporary restraining order issued pursuant to this section shall be issued without notice.

(d) Upon filing a petition for protective orders under this section, the petitioner may obtain a temporary restraining order in accordance with Section 527 of the Code of Civil Procedure, ~~except to the extent this section provides a rule that section, including, but not limited to, paragraph (2) of subdivision (c), is inconsistent.~~ The temporary restraining order may include any of the protective orders described in paragraph (4) of subdivision (b). However, the court may issue an ex parte order excluding a party from the petitioner's residence or dwelling only on a showing of all of the following:

(1) Facts sufficient for the court to ascertain that the party who will stay in the dwelling has a right under color of law to possession of the premises.

(2) That the party to be excluded has assaulted or threatens to assault the petitioner, other named family or household member of the petitioner, or a conservator of the petitioner.

(3) That physical or emotional harm would otherwise result to the petitioner, other named family or household member of the petitioner, or a conservator of the petitioner.

(e) A request for the issuance of a temporary restraining order ~~without notice under~~ pursuant to this section shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

(f) Within 21 days, or, if good cause appears to the court, 25 days, from the date that a request for a temporary restraining order is granted or denied, a hearing shall be held on the petition. ~~If no a request for a temporary orders is restraining order is not~~ made, the hearing shall be held within 21 days, or, if good cause appears to the court, 25 days, from the date that the petition is filed.

(g) The respondent may file a response that explains or denies the alleged abuse.

(h) The court may issue, upon ~~notice~~ notice, except as otherwise provided in paragraph (2) of subdivision (c), and a hearing, any of the orders set forth in paragraph (4) of subdivision (b). The court may issue, after ~~notice~~ notice, except as otherwise provided in paragraph (2) of subdivision (c), and a hearing, an order excluding a person from a residence or dwelling if the court finds that physical or emotional harm would otherwise result to the petitioner, other named family or household member of the petitioner, or conservator of the petitioner.

(i) (1) In the discretion of the court, an order issued after notice and a hearing under this section may have a duration of not more than five years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed upon the request of a party, either for five years or permanently, without a showing of any further abuse since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The request for renewal may be brought at any time within the three months before the expiration of the order.

(2) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

(3) If an action is filed for the purpose of terminating or modifying a protective order prior to the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall be given notice, pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive his or her right to notice if he or she is physically present in court and does not challenge the sufficiency of the notice.

(j) In a proceeding under this section, a support person may accompany a party in court and, if the party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and the party's attorney. The support person is present to provide moral and emotional support for a person who alleges he or she is a victim of abuse. The support person is not present as a legal adviser and may not provide legal advice. The support person may assist the person who alleges he or she is a victim of abuse in feeling more confident that he or she will not be injured or threatened by the other party during the proceedings if the person who alleges he or she is a victim of abuse and the other party are required to be present in close proximity.

This subdivision does not preclude the court from exercising its discretion to remove the support person from the courtroom if the court believes the support person is prompting, swaying, or influencing the party assisted by the support person.

(k) Upon the filing of a petition for protective orders under this section, the respondent shall be personally served with a copy of the petition, notice of the hearing or order to show cause, temporary restraining order, if any, and any declarations in support of the petition. Service shall be made at least five days before the hearing. The court may, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

(l) A notice of hearing under this section shall notify the respondent that if he or she does not attend the hearing, the court may make orders against him or her that could last up to five years.

(m) The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.

(n) (1) Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause. The request may be made in writing before or at the hearing or orally at the hearing. The court may also grant a continuance on its own motion.

(2) If the court grants a continuance, any temporary restraining order that has been granted shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. In granting a continuance, the court may modify or terminate a temporary restraining order.

(o) (1) If a respondent, named in an order issued under this section after a hearing, has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the respondent does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing may be served on the respondent by first-class mail sent to the respondent at the most current address for the respondent that is available to the court.

(3) If, at the time of a hearing with respect to a restraining order or protective order based on a temporary restraining order, the court determines that, after diligent effort, the petitioner has been unable to accomplish personal service, the court may permit an alternative method of service designed to give reasonable notice of the action to the respondent. Alternative methods of service include, but are not limited to, the following:

(A) Service by publication.

(B) Service by first-class mail sent to the respondent at the most current address for the respondent that is available to the court.

(C) Delivering a copy to the respondent's place of employment by leaving it with a receptionist or a person who is employed in a supervisory position at the place of employment.

(D) Transmitting a copy to the respondent by electronic means.

~~(3)~~

(4) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a ~~statement~~ statement, as applicable, in substantially the following form:

"If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this temporary restraining order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the following address:

If that address is not correct or you wish to verify that the temporary restraining order was converted to a restraining order at the hearing without substantive change and to find out the duration of that order, contact the clerk of the court."

(p) (1) Information on a protective order relating to elder or dependent adult abuse issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of an order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by the close of the business day on which the order, reissuance, extension, modification, or termination was made, to each law enforcement agency having jurisdiction over the residence of the petitioner, and to any additional law enforcement agencies within the court's discretion as are requested by the petitioner.

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under subdivision (b) of Section 6380 of the Family Code regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

(A) Transmitting a physical copy of the order or proof of service to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

(B) With the approval of the Department of Justice, entering the order or proof of service into CLETS directly.

(4) Each appropriate law enforcement agency shall make available information as to the existence and current status of these orders to law enforcement officers responding to the scene of reported abuse.

(5) An order issued under this section shall, on request of the petitioner, be served on the respondent, whether or not the respondent has been taken into custody, by any law enforcement officer who is present at the scene of reported abuse involving the parties to the proceeding. The petitioner shall provide the officer with an endorsed

copy of the order and a proof of service, which the officer shall complete and send to the issuing court.

(6) Upon receiving information at the scene of an incident of abuse that a protective order has been issued under this section, or that a person who has been taken into custody is the respondent to that order, if the protected person cannot produce an endorsed copy of the order, a law enforcement officer shall immediately attempt to verify the existence of the order.

(7) If the law enforcement officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and where a written copy of the order can be obtained, and the officer shall at that time also enforce the order. The law enforcement officer's oral notice of the terms of the order shall constitute service of the order and is sufficient notice for the purposes of this section and for the purposes of Section 273.6 of the Penal Code.

(q) This section does not preclude either party from representation by private counsel or from appearing on the party's own behalf.

(r) There shall not be a filing fee for a petition, response, or paper seeking the reissuance, modification, or enforcement of a protective order filed in a proceeding brought pursuant to this section.

(s) Pursuant to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, a petitioner shall not be required to pay a fee for law enforcement to serve an order issued under this section.

(t) The prevailing party in an action brought under this section may be awarded court costs and attorney's fees, if any.

(u) (1) A person subject to a protective order under this section shall not own, possess, purchase, receive, or attempt to receive a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms he or she owns or possesses pursuant to Section 527.9 of the Code of Civil Procedure.

(3) Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive a firearm or ammunition while subject to a protective order issued under this section is punishable pursuant to Section 29825 of the Penal Code.

(4) This subdivision does not apply in a case in which a protective order issued under this section was made solely on the basis of financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

(v) In a proceeding brought under paragraph (3) of subdivision (a), all of the following apply:

(1) Upon the filing of a petition for a protective order, the elder or dependent adult on whose behalf the petition has been filed shall receive a copy of the petition, a notice of the hearing, and any declarations submitted in support of the petition. The elder or dependent adult shall receive this information at least five days before the hearing. The court may, on motion of the petitioner or on its own motion, shorten the time for provision of this information to the elder or dependent adult.

(2) The adult protective services agency shall make reasonable efforts to assist the elder or dependent adult to attend the hearing and provide testimony to the court, if he or she wishes to do so. If the elder or dependent adult does not attend the hearing,

the agency shall provide information to the court at the hearing regarding the reasons why the elder or dependent adult is not in attendance.

(3) Upon the filing of a petition for a protective order and upon issuance of an order granting the petition, the county adult protective services agency shall take all reasonable steps to provide for the safety of the elder or dependent adult, pursuant to Chapter 13 (commencing with Section 15750), which may include, but are not limited to, facilitating the location of alternative accommodations for the elder or dependent adult, if needed.

(w) Any willful disobedience of any temporary restraining order or restraining order after hearing granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

(x) This section does not apply to any action or proceeding governed by Title 1.6C (commencing with Section 1788) of Part 4 of Division 3 of the Civil Code, Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, or Division 10 (commencing with Section 6200) of the Family Code. This section does not preclude a petitioner's right to use other existing civil remedies.

(y) The Judicial Council shall develop forms, instructions, and rules relating to matters governed by this section. The petition and response forms shall be simple and concise, and shall be used by parties in actions brought pursuant to this section.

~~(z) This section shall become operative on July 1, 2016.~~

Amendment 3

On page 1, strike out lines 1 to 3, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2695

Amendment 1

In the title, in line 1, after "act" insert:

to amend Section 379.6 of the Public Utilities Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 379.6 of the Public Utilities Code is amended to read:

379.6. (a) (1) (A) It is the intent of the Legislature that the self-generation incentive program increase deployment of distributed generation and energy storage systems to facilitate the integration of those resources into the electrical grid, improve efficiency and reliability of the distribution and transmission system, and reduce emissions of greenhouse gases, peak demand, and ratepayer costs. It is the further intent of the Legislature that the commission, in future proceedings, provide for an equitable distribution of the costs and benefits of the program.

(B) It is also the intent of the Legislature that, beginning January 1, 2019, the program focus on substantially increasing the number of energy storage systems in communities that are disproportionately affected by air pollution and economic hardship to ensure that these communities benefit from clean energy programs with improved air quality and increased economic and workforce development opportunities.

(2) The commission, in consultation with the Energy Commission, may authorize the annual collection of not more than double the amount authorized for the self-generation incentive program in the 2008 calendar year, through December 31, 2019. The commission shall require the administration of the program for distributed energy resources originally established pursuant to Chapter 329 of the Statutes of 2000 until January 1, 2021. On January 1, 2021, the commission shall provide repayment of all unallocated funds collected pursuant to this section to reduce ratepayer costs.

(3) The commission shall administer solar technologies separately, pursuant to the California Solar Initiative adopted by the commission in Decisions 05-12-044 and 06-01-024, as modified by Article 1 (commencing with Section 2851) of Chapter 9 of Part 2 of Division 1 of this code and Chapter 8.8 (commencing with Section 25780) of Division 15 of the Public Resources Code.

(b) (1) Eligibility for incentives under the self-generation incentive program shall be limited to distributed energy resources that the commission, in consultation with the State Air Resources Board, determines will achieve reductions in emissions of greenhouse gases pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).

(2) On or before July 1, 2015, the commission shall update the factor for avoided greenhouse gas emissions based on the most recent data available to the State Air Resources Board for greenhouse gas emissions from electricity sales in the self-generation incentive program administrators' service areas as well as current estimates of greenhouse gas emissions over the useful life of the distributed energy



resource, including consideration of the effects of the California Renewables Portfolio Standard.

(c) (1) Beginning January 1, 2019, the commission shall reserve not less than 40 percent of self-generation incentive program energy storage funds for the three largest electrical corporations to develop, own, and operate energy storage system projects located within, and benefiting customers in, low-income communities, low-income households, or multifamily residences. The commission shall reserve the remaining 60 percent of self-generation incentive program energy storage funds for projects located within, and benefiting customers in, census tracts with median household incomes at or below _____ percent of the statewide median income.

(2) Funds allocated pursuant to paragraph (1) shall not affect the program's energy storage equity budget funds.

(3) The commission shall optimize the value for customers and the electrical system by requiring customers receiving or benefiting from incentives to be on a time-of-use rate and by directing electrical corporations to operate storage so as to minimize the bills of customers and overall system costs by considering periods of high solar generation system ramping demands.

(4) For purposes of this subdivision, the following terms have the following meanings:

(A) "Low-income communities" are census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.

(B) "Low-income households" are those with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.

(e)

(d) Eligibility for the funding of any combustion-operated distributed generation projects using fossil fuel is subject to all of the following conditions:

(1) An oxides of nitrogen (NO_x) emissions rate standard of 0.07 pounds per megawatthour and a minimum efficiency of 60 percent, or any other NO_x emissions rate and minimum efficiency standard adopted by the State Air Resources Board. A minimum efficiency of 60 percent shall be measured as useful energy output divided by fuel input. The efficiency determination shall be based on 100 percent load.

(2) Combined heat and power units that meet the 60-percent efficiency standard may take a credit to meet the applicable NO_x emissions standard of 0.07 pounds per megawatthour. Credit shall be at the rate of one megawatthour for each 3,400,000 British thermal units (Btus) of heat recovered.

(3) The customer receiving incentives shall adequately maintain and service the combined heat and power units so that during operation the system continues to meet or exceed the efficiency and emissions standards established pursuant to paragraphs (1) and (2).

(4) Notwithstanding paragraph (1), a project that does not meet the applicable NO_x emissions standard is eligible if it meets both of the following requirements:

(A) The project operates solely on waste gas. The commission shall require a customer that applies for an incentive pursuant to this paragraph to provide an affidavit or other form of proof that specifies that the project shall be operated solely on waste gas. Incentives awarded pursuant to this paragraph shall be subject to refund and shall be refunded by the recipient to the extent the project does not operate on waste gas. As used in this paragraph, "waste gas" means natural gas that is generated as a byproduct of petroleum production operations and is not eligible for delivery to the utility pipeline system.

(B) The air quality management district or air pollution control district, in issuing a permit to operate the project, determines that operation of the project will produce an onsite net air emissions benefit compared to permitted onsite emissions if the project does not operate. The commission shall require the customer to secure the permit prior to receiving incentives.

(d)

(e) In determining the eligibility for the self-generation incentive program, minimum system efficiency shall be determined either by calculating electrical and process heat efficiency as set forth in Section 216.6, or by calculating overall electrical efficiency.

(e)

(f) Eligibility for incentives under the program shall be limited to distributed energy resource technologies that the commission determines meet all of the following requirements:

(1) The distributed energy resource technology shifts onsite energy use to off-peak time periods or reduces demand from the grid by offsetting some or all of the customer's onsite energy load, including, but not limited to, peak electric load.

(2) The distributed energy resource technology is commercially available.

(3) The distributed energy resource technology safely utilizes the existing transmission and distribution system.

(4) The distributed energy resource technology improves air quality by reducing criteria air pollutants.

(f)

(g) Recipients of the self-generation incentive program funds shall provide relevant data to the commission and the State Air Resources Board, upon request, and shall be subject to onsite inspection to verify equipment operation and performance, including capacity, thermal output, and usage to verify criteria air pollutant and greenhouse gas emissions performance.

(g)

(h) In administering the self-generation incentive program, the commission shall determine a capacity factor for each distributed generation system energy resource technology in the program.

(h)

(i) (1) In administering the self-generation incentive program, the commission may adjust the amount of rebates and evaluate other public policy interests, including, but not limited to, ratepayers, energy efficiency, peak load reduction, load management, and environmental interests.

(2) The commission shall consider the relative amount and the cost of greenhouse gas emissions reductions, peak demand reductions, system reliability benefits, and other measurable factors when allocating program funds between eligible technologies.

~~(i)~~

(j) The commission shall ensure that distributed generation resources are made available in the program for all ratepayers.

~~(j)~~

(k) In administering the self-generation incentive program, the commission shall provide an additional incentive of 20 percent from existing program funds for the installation of eligible distributed generation resources manufactured in California.

~~(k)~~

(l) The costs of the program adopted and implemented pursuant to this section shall not be recovered from customers participating in the California Alternate Rates for Energy (CARE) program.

~~(l)~~

(m) The commission shall evaluate the overall success and impact of the self-generation incentive program based on the following performance measures:

(1) The amount of reductions of emissions of greenhouse gases.

(2) The amount of reductions of emissions of criteria air pollutants measured in terms of avoided emissions and reductions of criteria air pollutants represented by emissions credits secured for project approval.

(3) The amount of energy reductions measured in energy value.

(4) The amount of reductions of customer peak demand.

(5) The ratio of the electricity generated by distributed energy resource generation projects receiving incentives from the program to the electricity capable of being produced by those projects, commonly known as a capacity factor.

(6) The value to the electrical transmission and distribution system measured in avoided costs of transmission and distribution upgrades and replacement.

(7) The ability to improve onsite electricity reliability as compared to onsite electricity reliability before the self-generation incentive program technology was placed in service.

Amendment 3

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2698

Amendment 1

In the title, in line 1, after the first "to" insert:

amend Section 8265.5 of, and to

Amendment 2

In the title, in line 1, strike out "8239.2 to" and insert:

8265.2 to,

Amendment 3

On page 1, before line 1, insert:

SECTION 1. (a) The Legislature finds and declares both of the following:

(1) Early childhood mental health consultation models provide important supports for effective classroom management and positive learning environments, including supportive teacher practices and strategies for supporting children with challenging behaviors and other social, emotional, and mental health concerns.

(2) Research shows that early childhood mental health consultation models can play an important role in addressing challenging behaviors and can yield positive social and emotional outcomes for children, including reducing preschool expulsions.

(b) It is the intent of the Legislature in enacting this act to encourage mental health consultation services in California state preschools and general child care and development programs as a means of providing adequate supports to teachers, children, and caregivers in addressing challenging behaviors and other social, emotional, and mental health concerns.

SEC. 2. Section 8265.2 is added to the Education Code, to read:

8265.2. (a) (1) For purposes of this section, "early childhood mental health consultation service" means a service benefitting a child who is served in a California state preschool program or an infant or toddler who is 0 to 36 months of age and is served in a general child care and development program pursuant to this chapter.

(2) For purposes of this section, "early childhood mental health consultation service" includes, but is not limited to, all of the following:

(A) Support to respond effectively to all children, with a focus on young children with disabilities, challenging behaviors, and other special needs.

(B) Assistance through individual site consultations, provision of resources, formulation of training plans, referrals, and other methods that address the unique needs of programs and providers.

(C) Aid to providers in developing the skills and tools needed to be successful as they support the development and early learning of all children, including observing environments, facilitating the development of action plans, and supporting site implementation of those plans.



(D) The development of strategies for addressing prevalent child mental health concerns, including internalizing problems, such as appearing withdrawn, and externalizing problems, such as exhibiting challenging behaviors.

(E) If a child exhibits persistent and serious challenging behaviors, support with the pursuit and documentation of reasonable steps to maintain the child's safe participation in the program, as described in Section 8239.1.

(b) The cost to a provider agency of providing an early childhood mental health consultation service shall be reimbursable pursuant to Section 8265.5 if all of the following apply:

(1) The early childhood mental health consultation service is provided on a schedule of sufficient and consistent frequency to ensure that a mental health consultant is available to partner with staff and families in a timely and effective manner.

(2) The early childhood mental health consultation service is supervised by a licensed marriage and family therapist, a licensed clinical social worker, or a doctor of psychology. The supervisor shall be adequately insured, shall have held his or her respective license for a minimum of two years, and shall be in full compliance with all continuing education requirements applicable to his or her profession.

(3) The early childhood mental health consultation service uses a relationship-based model emphasizing strengthening relationships among early childhood education providers, parents, children, and representatives of community systems and resources, and integrates reflective practice into the onsite consultation model.

SEC. 3. Section 8265.5 of the Education Code is amended to read:

8265.5. (a) In order to reflect the additional expense of serving children who meet any of the criteria outlined in paragraphs (1) to ~~(7)~~, (8), inclusive, of subdivision (b) the provider agency's reported child days of enrollment for these children shall be multiplied by the adjustment factors listed below.

(b) The adjustment factors shall apply to a full-day state preschool program and those programs for which assigned reimbursement rates are at or below the standard reimbursement rate. In addition, the adjustment factors shall apply to those programs for which assigned reimbursement rates are above the standard reimbursement rate, but the reimbursement rate, as adjusted, shall not exceed the adjusted standard reimbursement rate. The adjustment factors shall apply to those full-day state preschool programs for which assigned reimbursement rates are above the full-day state preschool reimbursement rate, but the reimbursement rate, as adjusted, shall not exceed the adjusted full-day state preschool reimbursement rate.

(1) For infants who are 0 to 18 months of age and are served in a child day care center, the adjustment factor shall be 1.7.

(2) For toddlers who are 18 to 36 months of age and are served in a child day care center, the adjustment factor shall be 1.4.

(3) For infants and toddlers who are 0 to 36 months of age and are served in a family child care home, the adjustment factor shall be 1.4.

(4) For children with exceptional needs who are 0 to 21 years of age, the adjustment factor shall be 1.2.

(5) For severely disabled children who are 0 to 21 years of age, the adjustment factor shall be 1.5.

(6) ~~For a child~~ children at risk of neglect, abuse, or exploitation who are 0 to 14 years of age, the adjustment factor shall be 1.1.

(7) For limited-English-speaking and non-English-speaking children who are 2 years of age through kindergarten age, the adjustment factor shall be 1.1.

(8) For children who are served in a California state preschool program and infants and toddlers who are 0 to 36 months of age and are served in general child care and development programs where early childhood mental health consultation services are provided, pursuant to Section 8265.2, the adjustment factor shall be 1.05.

(c) Use of the adjustment factors shall not increase the provider agency's total annual allocation.

(d) (1) Days of enrollment for children having who meet more than one of the criteria outlined in paragraphs (1) to (7), inclusive, of subdivision (b) shall not be reported under more than one of the ~~above categories.~~ categories specified in those paragraphs.

(2) Notwithstanding paragraph (1), for children for whom an adjustment factor is applied pursuant to any of paragraphs (1) to (7), inclusive, of subdivision (b), and who are additionally eligible for the adjustment factor established in paragraph (8) of subdivision (b), reported child days of enrollment shall be multiplied by the sum of the applicable adjustment factor under paragraphs (1) to (7), inclusive, of subdivision (b) and 0.05.

(e) The difference between the reimbursement resulting from the use of the adjustment factors outlined in paragraphs (1) to ~~(7), (8),~~ inclusive, of subdivision (b) and the reimbursement that would otherwise be received by a provider in the absence of the adjustment factors shall be used for special and appropriate services for each child for whom an adjustment factor is claimed.

Amendment 4

On page 1, strike out lines 1 and 2 and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2699

Amendment 1

In the title, in line 1, strike out "35010 of the Education Code, relating to", strike out line 2 and insert:

374 of the Financial Code, relating to financial institutions.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 374 of the Financial Code is amended to read:

374. (a) Whenever it is necessary for the commissioner to approve any instrument and to affix his or her official seal thereto, the commissioner shall charge a fee of ~~twenty-five dollars (\$25)~~ thirty dollars (\$30) therefor.

(b) Whenever it is proper for the department to furnish a copy of any paper that has been filed therein and to certify to the paper, the commissioner may charge twenty-five cents (\$0.25) for each page copied.

(c) Whenever the commissioner is required or requested to certify copies of documents, the commissioner may charge a fee of ~~twenty-five dollars (\$25)~~ thirty dollars (\$30) for certifying the copied documents and for affixing his or her official seal.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive, and strike out page 2



AMENDMENTS TO ASSEMBLY BILL NO. 2703

Amendment 1

In the title, in line 1, strike out "amend Section 6001 of" and insert:

add and repeal Section 17060 of

Amendment 2

In the title, in line 2, strike out "taxation." and insert:

taxation, to take effect immediately, tax levy.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares all of the following:

(a) Home care professionals or caregivers work with family members, community agencies, and medically trained professionals to ensure senior safety by recognizing potential signs of declining health and dangerous falls.

(b) The home care industry helps seniors to live with dignity and self-respect and helps seniors maintain healthy and active lifestyles for as long as possible in the comfort of their own home.

(c) Nine out of 10 Americans 65 years of age or older want to stay in their home as long as possible.

(d) Elderly Americans receiving home care generally need fewer trips to doctors and hospitals. As a result, home care reduced overall health care costs while also creating jobs.

SEC. 2. Section 17060 is added to the Revenue and Taxation Code, to read:

17060. (a) For each taxable year beginning on or after January 1, 2018, and before January 1, 2023, there shall be allowed as a credit against the "net tax," as defined in Section 17039, an amount equal to the amount paid or incurred during the taxable year by a qualified taxpayer for home care services, not to exceed ten thousand dollars (\$10,000).

(b) For purposes of this section:

(1) "Home care services" means nonmedical services and assistance provided by a registered home care aide to a qualified taxpayer who, because of advanced age or physical or mental disability, cannot perform these services. These services enable the qualified taxpayer to remain in his or her residence and include, but are not limited to, assistance with the following: bathing, dressing, feeding, exercising, personal hygiene and grooming, transferring, ambulating, positioning, toileting and incontinence care, assisting with medication that the client self-administers, housekeeping, meal planning and preparation, laundry, transportation, correspondence, making telephone calls, shopping for personal care items or groceries, and companionship. This paragraph shall not authorize a registered home care aide to assist with medication that the



qualified taxpayer self-administers that would otherwise require administration or oversight by a licensed health care professional.

(2) "Qualified taxpayer" means a single individual, or a spouse filing a separate return, whose gross income is two hundred fifty thousand dollars (\$250,000) or less or a married couple filing a joint return, whose gross income is five hundred thousand dollars (\$500,000) or less.

(3) "Registered home care aide" means the same as defined in subdivision (o) of Section 1796.12 of the Health and Safety Code.

(c) In the case where the credit allowed by this section exceeds the "net tax," the excess may be carried over to reduce the "net tax" in the following taxable year.

(d) For the purposes of complying with Section 41, the Legislature finds and declares the following:

(1) The specific goal of this tax credit is to reduce health care costs by encouraging cost-effective home care services and to avoid costly nursing home and assisted living facilities.

(2) The baseline used to determine the progress of this tax credit is the number of Californians using home care services and the number of Californians in nursing homes and assisted living facilities in 2016.

(3) The Franchise Tax Board shall collect data relating to the number of Californians using home care services and the number of Californians in nursing homes and assisted living facilities annually.

(4) Taxpayers utilizing the tax credit shall submit a receipt or other proof of costs paid or incurred in connection with home care services to the Franchise Tax Board.

(e) This section shall remain in effect only until December 1, 2023, and as of that date is repealed.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the California Constitution and shall go into immediate effect.

Amendment 4

On page 1, strike out lines 1 to 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2714

Amendment 1

In the title, in line 1, after "act" insert:

to amend Sections 647 and 653.22 of, and to add and repeal Chapter 2.57 (commencing with Section 1000.75) of Title 6 of Part 2 of, the Penal Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 647 of the Penal Code is amended to read:

647. ~~Except as provided in paragraph (5) of subdivision (b) and subdivision (f), every~~ A person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

(a) An individual who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.

(b) (1) An individual who solicits, or who agrees to engage in, or who engages in, any act of prostitution with the intent to receive compensation, money, or anything of value from another person. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation by another person to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in an act of prostitution.

(2) An individual who solicits, or who agrees to engage in, or who engages in, any act of prostitution with another person who is 18 years of age or older in exchange for the individual providing compensation, money, or anything of value to the other person. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation by another person who is 18 years of age or older to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in an act of prostitution.

(3) An individual who solicits, or who agrees to engage in, or who engages in, any act of prostitution with another person who is a minor in exchange for the individual providing compensation, money, or anything of value to the minor. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation by someone who is a minor to so engage, regardless of whether the offer or solicitation was made by a minor who also possessed the specific intent to engage in an act of prostitution.

(4) A manifestation of acceptance of an offer or solicitation to engage in an act of prostitution does not constitute a violation of this subdivision unless some act, in addition to the manifestation of acceptance, is done within this state in furtherance of the commission of the act of prostitution by the person manifesting an acceptance of



an offer or solicitation to engage in that act. As used in this subdivision, "prostitution" includes any lewd act between persons for money or other consideration.

~~(5) Notwithstanding paragraphs (1) to (3), inclusive, this subdivision does not apply to a child under 18 years of age who is alleged to have engaged in conduct to receive money or other consideration that would, if committed by an adult, violate this subdivision. A commercially exploited child under this paragraph may be adjudged a dependent child of the court pursuant to paragraph (2) of subdivision (b) of Section 300 of the Welfare and Institutions Code and may be taken into temporary custody pursuant to subdivision (a) of Section 305 of the Welfare and Institutions Code, if the conditions allowing temporary custody without warrant are met.~~

(c) Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.

(d) Who loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.

(e) Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it.

(f) Who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in a condition that he or she is unable to exercise care for his or her own safety or the safety of others, or by reason of his or her being under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, or toluene, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way.

(g) If a person has violated subdivision (f), a peace officer, if he or she is reasonably able to do so, shall place the person, or cause him or her to be placed, in civil protective custody. The person shall be taken to a facility, designated pursuant to Section 5170 of the Welfare and Institutions Code, for the 72-hour treatment and evaluation of inebriates. A peace officer may place a person in civil protective custody with that kind and degree of force that would be lawful were he or she effecting an arrest for a misdemeanor without a warrant. A person who has been placed in civil protective custody shall not thereafter be subject to any criminal prosecution or juvenile court proceeding based on the facts giving rise to this placement. This subdivision does not apply to the following persons:

(1) A person who is under the influence of any drug, or under the combined influence of intoxicating liquor and any drug.

(2) A person who a peace officer has probable cause to believe has committed any felony, or who has committed any misdemeanor in addition to subdivision (f).

(3) A person who a peace officer in good faith believes will attempt escape or will be unreasonably difficult for medical personnel to control.

(h) Who loiters, prowls, or wanders upon the private property of another, at any time, without visible or lawful business with the owner or occupant. As used in this subdivision, "loiter" means to delay or linger without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered.

(i) Who, while loitering, prowling, or wandering upon the private property of another, at any time, peeks in the door or window of any inhabited building or structure, without visible or lawful business with the owner or occupant.

(j) (1) A person who looks through a hole or opening, into, or otherwise views, by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, camera, motion picture camera, camcorder, or mobile phone, the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside. This subdivision does not apply to those areas of a private business used to count currency or other negotiable instruments.

(2) A person who uses a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, another, identifiable person under or through the clothing being worn by that other person, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to arouse, appeal to, or gratify the lust, passions, or sexual desires of that person and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy.

(3) (A) A person who uses a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, another, identifiable person who may be in a state of full or partial undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, in the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which that other person has a reasonable expectation of privacy, with the intent to invade the privacy of that other person.

(B) Neither of the following is a defense to the crime specified in this paragraph:

(i) The defendant was a cohabitant, landlord, tenant, cotenant, employer, employee, or business partner or associate of the victim, or an agent of any of these.

(ii) The victim was not in a state of full or partial undress.

(4) (A) A person who intentionally distributes the image of the intimate body part or parts of another identifiable person, or an image of the person depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or an image of masturbation by the person depicted or in which the person depicted participates, under circumstances in which the persons agree or understand that the image shall remain private, the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress.

(B) A person intentionally distributes an image described in subparagraph (A) when he or she personally distributes the image, or arranges, specifically requests, or intentionally causes another person to distribute that image.

(C) As used in this paragraph, "intimate body part" means any portion of the genitals, the anus and in the case of a female, also includes any portion of the breasts below the top of the areola, that is either uncovered or clearly visible through clothing.

(D) It shall not be a violation of this paragraph to distribute an image described in subparagraph (A) if any of the following applies:

- (i) The distribution is made in the course of reporting an unlawful activity.
 - (ii) The distribution is made in compliance with a subpoena or other court order for use in a legal proceeding.
 - (iii) The distribution is made in the course of a lawful public proceeding.
- (5) This subdivision does not preclude punishment under any section of law providing for greater punishment.

(k) In addition to any punishment prescribed by this section, a court may suspend, for not more than 30 days, the privilege of the person to operate a motor vehicle pursuant to Section 13201.5 of the Vehicle Code for any violation of subdivision (b) that was committed within 1,000 feet of a private residence and with the use of a vehicle. In lieu of the suspension, the court may order a person's privilege to operate a motor vehicle restricted, for not more than six months, to necessary travel to and from the person's place of employment or education. If driving a motor vehicle is necessary to perform the duties of the person's employment, the court may also allow the person to drive in that person's scope of employment.

(l) (1) A second or subsequent violation of subdivision (j) is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment.

(2) If the victim of a violation of subdivision (j) was a minor at the time of the offense, the violation is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment.

(m) (1) If a crime is committed in violation of subdivision (b) and the person who was solicited was a minor at the time of the offense, and if the defendant knew or should have known that the person who was solicited was a minor at the time of the offense, the violation is punishable by imprisonment in a county jail for not less than two days and not more than one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment.

(2) The court may, in unusual cases, when the interests of justice are best served, reduce or eliminate the mandatory two days of imprisonment in a county jail required by this subdivision. If the court reduces or eliminates the mandatory two days' imprisonment, the court shall specify the reason on the record.

SEC. 2. Section 653.22 of the Penal Code is amended to read:

653.22. (a) ~~(1) Except as specified in paragraph (2), it~~ It is unlawful for any person to loiter in any public place with the intent to commit prostitution. This intent is evidenced by acting in a manner and under circumstances that openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution.

~~(2) Notwithstanding paragraph (1), this subdivision does not apply to a child under 18 years of age who is alleged to have engaged in conduct that would, if committed by an adult, violate this subdivision. A commercially exploited child under this paragraph may be adjudged a dependent child of the court pursuant to paragraph (2) of subdivision (b) of Section 300 of the Welfare and Institutions Code and may be taken into temporary custody pursuant to subdivision (a) of Section 305 of the Welfare and Institutions Code, if the conditions allowing temporary custody without warrant are met.~~

(b) Among the circumstances that may be considered in determining whether a person loiters with the intent to commit prostitution are that the person:

(1) Repeatedly beckons to, stops, engages in conversations with, or attempts to stop or engage in conversations with passersby, indicative of soliciting for prostitution.

(2) Repeatedly stops or attempts to stop motor vehicles by hailing the drivers, waving arms, or making any other bodily gestures, or engages or attempts to engage the drivers or passengers of the motor vehicles in conversation, indicative of soliciting for prostitution.

(3) Has been convicted of violating this section, subdivision (a) or (b) of Section 647, or any other offense relating to or involving prostitution, within five years of the arrest under this section.

(4) Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to contact or stop pedestrians or other motorists, indicative of soliciting for prostitution.

(5) Has engaged, within six months prior to the arrest under this section, in any behavior described in this subdivision, with the exception of paragraph (3), or in any other behavior indicative of prostitution activity.

(c) The list of circumstances set forth in subdivision (b) is not exclusive. The circumstances set forth in subdivision (b) should be considered particularly salient if they occur in an area that is known for prostitution activity. Any other relevant circumstances may be considered in determining whether a person has the requisite intent. Moreover, no one circumstance or combination of circumstances is in itself determinative of intent. Intent must be determined based on an evaluation of the particular circumstances of each case.

SEC. 3. Chapter 2.57 (commencing with Section 1000.75) is added to Title 6 of Part 2 of the Penal Code, to read:

CHAPTER 2.57. DEFERRED ENTRY OF JUDGMENT PILOT PROGRAM FOR COMMERCIAL
SEXUALLY EXPLOITED CHILDREN

1000.75. (a) A county may establish a pilot program pursuant to this section to operate a deferred entry of judgment pilot program for eligible defendants described in subdivision (b).

(b) (1) A commercial sexually exploited child may participate in a deferred entry of judgment pilot program within a county's juvenile hall if he or she is charged with, and pleads guilty to, any of the following offenses:

(A) Engaging in an act of prostitution with the intent to receive money or other consideration in violation of subdivision (b) of Section 647.

(B) Loitering in a public place with the intent to commit prostitution in violation of subdivision (a) of Section 653.22.

(2) A commercial sexually exploited child is not eligible for participation in the program if he or she has previously been charged with committing the offenses described in paragraph (1).

(c) The court shall grant deferred entry of judgment if an eligible defendant consents to participate in the program, waives his or her rights to a speedy trial or a

speedy preliminary hearing, pleads guilty to the charge or charges, and waives time for the pronouncement of judgment.

(d) The probation department shall develop therapeutic rehabilitative programming that is specific to participants of the program, including, but not limited to, peer mentoring and trauma-informed therapy.

(e) (1) If it appears to the probation department that the defendant is performing unsatisfactorily in the program as a result of the commission of a new crime or the violation of any of the rules of the juvenile hall or that the defendant is not benefiting from the services in the program, the probation department may make a motion for entry of judgment. After notice to the defendant, the court shall hold a hearing to determine whether judgment should be entered. If the court finds that the defendant is performing unsatisfactorily in the program or that the defendant is not benefiting from the services in the program, the court shall render a finding of guilt to the charge or charges pleaded, enter judgment, and schedule a sentencing hearing as otherwise provided in this code, and the probation department, in consultation with the county sheriff, shall remove the defendant from the program and return him or her to custody in county jail.

(2) If the defendant has performed satisfactorily during the period in which deferred entry of judgment was granted, at the end of that period, the court shall dismiss the criminal charge or charges.

(f) A defendant shall serve no longer than six months in custody within a county's juvenile hall pursuant to the program.

(g) This chapter shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends that date.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 3

On page 2, strike out lines 1 to 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2747

Amendment 1

In the title, in line 1, after "act" insert:

to add Sections 67451.5, 67451.7, 67452.3, and 67452.5 to the Education Code, and to amend Section 11165.7 of the Penal Code,

Amendment 2

In the title, in line 1, strike out "college" and insert:

student

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 67451.5 is added to the Education Code, to read:

67451.5. (a) College athletes have the right to self-organization and to be protected from retaliation while they are engaged in concerted activities for mutual aid and protection. College athletes shall also have the right to refrain from any or all of these activities.

(b) An athletic program shall provide its student athletes with information regarding their mandated reporter policies pursuant to Section 11165.7 of the Penal Code, the NCAA Bill of Rights, and the Student Athlete Bill of Rights enacted under this part.

SEC. 2. Section 67451.7 is added to the Education Code, to read:

67451.7. (a) An institution of higher education shall establish a process by which the complaints of student athletes about violations of the NCAA Bill of Rights, the Student Athlete Bill of Rights enacted under this part or other pertinent state statutes, and institutional policies may be reported and investigated.

(b) An institution of higher education shall appoint an administrator, not employed by, or reporting to, the institution's athletic department, to be a student athlete liaison. The student athlete liaison shall do all of the following:

(1) Be available to all student athletes enrolled at the institution.

(2) Record, in writing, each complaint made by a student athlete enrolled at the institution.

(3) Initiate a prompt, fair, and impartial investigation into each complaint made under paragraph (2).

(4) Inform the student athlete, in writing, of the outcome of the investigation into the complaint.

(c) An institution of higher education shall provide each of its student athletes with all of the following information about the student athlete liaison:

(1) His or her name, title, telephone number, email address, and office location.



(2) Procedures for reporting to the student athlete liaison any violations of the NCAA Bill of Rights, the Student Athlete Bill of Rights enacted under this part or other pertinent state statutes, and institutional policies that the student athlete perceives as injurious to his or her academic, financial, or physical well-being.

(3) The procedures to be followed by the student athlete liaison in investigating a complaint under subdivision (b).

(4) Written assurance that any complaint made by the student athlete under this section shall be, and remain, confidential.

SEC. 3. Section 67452.3 is added to the Education Code, to read:

67452.3. (a) A student athlete shall have the right to enforce a provision of this part in the superior court through a civil action for injunctive relief or money damages, or both. The court shall award court costs and reasonable reimbursement for attorneys' fees to a student athlete who is the prevailing party in an action brought pursuant to this section.

(b) A student athlete, institution of higher education, or athletic conference shall not be required, as a condition of full participation in intercollegiate athletics, to agree to a provision that would require either of the following:

(1) That the student athlete, institution of higher education, or athletic conference submit to adjudication, outside of the state, of a claim that arises in California.

(2) That the student athlete, institution of higher education, or athletic conference be deprived of any protections provided under California law with respect to a controversy that arises in California.

(c) A student athlete shall not be deprived of eligibility for competition or scholarship aid, or penalized in any other manner, for either of the following:

(1) Receiving any gift or income that can be demonstrated to be generally available to the students of the institution of higher education who are not athletes.

(2) Being accused of a rule violation or other offense, other than a criminal charge, if investigation and adjudication of the alleged violation or offense by the institution of higher education, the athletic association, or a law enforcement agency has not been completed.

(d) As used in this section, "athletic conference" means an organization that is formed by institutions of higher education for purposes of conducting competitions in intercollegiate athletics.

SEC. 4. Section 67452.5 is added to the Education Code, to read:

67452.5. The Civil Rights Enforcement Section of the State Department of Justice shall have powers and responsibilities with respect to this part that include, but are not necessarily limited to, all of the following:

(a) To receive and promptly investigate complaints made by student athletes.

(b) To prosecute violations of this part by institutions of higher education and athletic associations, and by persons employed by those entities.

(c) To issue subpoenas and conduct audits as necessary to ensure, or assess the extent of, compliance with this part.

SEC. 5. Section 11165.7 of the Penal Code is amended to read:

11165.7. (a) As used in this article, "mandated reporter" is defined as any of the following:

(1) A teacher.

(2) An instructional aide.

- (3) A teacher's aide or teacher's assistant employed by a public or private school.
- (4) A classified employee of a public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.
- (6) An administrator of a public or private day camp.
- (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
- (8) An administrator, board member, or employee of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.
- (9) An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with children on a regular basis.
- (10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
- (11) A Head Start program teacher.
- (12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section 11165.11.
- (13) A public assistance worker.
- (14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
- (15) A social worker, probation officer, or parole officer.
- (16) An employee of a school district police or security department.
- (17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school.
- (18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
- (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
- (20) A firefighter, except for volunteer firefighters.
- (21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
- (22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
- (23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.
- (24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
- (25) An unlicensed associate marriage and family therapist registered under Section 4980.44 of the Business and Professions Code.

(26) A state or county public health employee who treats a minor for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner or other person who performs autopsies.

(29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print or image processor" means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.

(30) A child visitation monitor. As used in this article, "child visitation monitor" means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) "Animal control officer" means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) An employee of any police department, county sheriff's department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.

(36) A custodial officer, as defined in Section 831.5.

(37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) An associate professional clinical counselor registered under Section 4999.42 of the Business and Professions Code.

(41) An employee or administrator of a public or private postsecondary educational institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

(43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, "commercial computer technician" means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.

(B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.

(44) ~~(A) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at a public or private postsecondary educational institutions. institution, who shall be known as a collegiate athlete mandated reporter.~~

(B) A collegiate athlete mandated reporter shall make a report to an agency specified in Section 11165.9 whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of, or observes, a college athlete who the collegiate athlete mandated reporter knows or reasonably suspects has been the victim of abuse or neglect. A collegiate athlete mandated reporter shall make an initial report by telephone to the agency immediately, or as soon as is practically possible, and shall prepare and send, fax, or electronically transmit, a written followup report within 36 hours of receiving the information concerning the incident. The collegiate athlete mandated reporter may include, with the report, any nonprivileged documentary evidence that he or she possesses relating to the incident.

(45) An individual certified by a licensed foster family agency as a certified family home, as defined in Section 1506 of the Health and Safety Code.

(46) An individual approved as a resource family, as defined in Section 1517 of the Health and Safety Code and Section 16519.5 of the Welfare and Institutions Code.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) Except as provided in subdivision (d), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(d) Pursuant to Section 44691 of the Education Code, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall annually train their employees and persons working on their behalf specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(e) (1) On and after January 1, 2018, pursuant to Section 1596.8662 of the Health and Safety Code, a child care licensee applicant shall take training in the duties of mandated reporters under the child abuse reporting laws as a condition of licensure, and a child care administrator or an employee of a licensed child day care facility shall take training in the duties of mandated reporters during the first 90 days when he or she is employed by the facility.

(2) A person specified in paragraph (1) who becomes a licensee, administrator, or employee of a licensed child day care facility shall take renewal mandated reporter training every two years following the date on which he or she completed the initial mandated reporter training. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

Amendment 4

On page 1, strike out lines 1 and 2 and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2748

Amendment 1

In the title, in line 1, strike out "amend Section 8592.35" and insert:

add and repeal Section 11549.45

Amendment 2

In the title, in line 2, strike out "technology." and insert:

election infrastructure.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares all of the following:

(a) Information technology networks and critical infrastructure are threatened by increasingly sophisticated cyber attacks. These cyber attacks present a major cybersecurity risk and increase the state's vulnerability to economic disruption, critical infrastructure damage, potential disruption to our election systems, and violations of individuals' rights.

(b) The federal Critical Infrastructures Protection Act of 2001 defines critical infrastructure as "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters."

(c) Presidential Policy Directive 21, released on February 12, 2013, states the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. The directive identifies 16 critical infrastructure sectors, including the Government Facilities Sector for which the Department of Homeland Security and General Services Administration have responsibilities.

(d) This state recognizes the 16 critical infrastructure sections identified by the federal government.

(e) On January 6, 2017, the Department of Homeland Security designated election systems as critical infrastructure and created the Election Infrastructure Subsector within the existing Government Facilities Sector to enable the Department of Homeland Security to prioritize its cybersecurity assistance to state and local elections officials. The department clarified that its reference to "election infrastructure" means "storage facilities, polling places, and centralized vote tabulations locations used to support the election process, and information and communications technology to include voter registration databases, voting machines, and other systems to manage the election process and report and display results on behalf of state and local governments."



(f) In 2015, in Executive Order B-34-15, the Governor directed the Office of Emergency Services to establish and lead the California Cybersecurity Integration Center (Cal-CSIC), with the primary mission to reduce the likelihood and severity of cyber incidents that could damage this state's economy, its critical infrastructure, or the public and private sector computer networks in this state. Cal-CSIC is required to serve as the central organizing hub of the state government's cybersecurity activities and coordinate information sharing with local, state, and federal agencies, tribal governments, utilities, and other service providers, academic institutions, and non-governmental organizations.

(g) Protecting our election infrastructure from cybersecurity threats is of vital importance to this state and to our national interests.

(h) It is the intent of the Legislature to leverage the state's cybersecurity resources to assist county elections officials in their assessments of election infrastructure in order to be best prepared for future cybersecurity threats. It is also the intent of the Legislature to recognize election infrastructure as critical infrastructure and an important subsector within the existing Government Facilities Sector identified by the federal government and this state.

SEC. 2. Section 11549.45 is added to the Government Code, to read:

11549.45. (a) The office, the Office of Emergency Services, and the California Military Department shall establish a pilot program to conduct, or require to be conducted, an independent security assessment of election infrastructure in participating counties. The office, the Office of Emergency Services, and the California Military Department shall consult with county elections officials to identify and select counties to participate in the pilot program. The independent security assessments for the first group of participating counties shall be completed no later than January 1, 2020. After completion of those assessments, the office, the Office of Emergency Services, and the California Military Department may conduct additional independent security assessments of election infrastructure in other counties.

(b) The office, the Office of Emergency Services, and the California Military Department, in coordination with the county elections officials in the participating counties, shall do all of the following:

(1) Determine criteria and rank counties based on an information security risk index that may include analysis of the relative amount of the following factors within counties:

(A) Personally identifiable information protected by law.

(B) Voter registration information.

(C) Information on voted ballots.

(D) Self-certification of compliance and indicators of unreported noncompliance

with security provisions in the following areas:

(i) Information asset management.

(ii) Risk management.

(iii) Information security program management.

(iv) Information security incident management.

(v) Technology recovery planning.

(E) Other information identified by the office, the Office of Emergency Services, and the California Military Department, in coordination with the county elections officials, that may present a security risk.

(2) Determine the basic standards of services to be performed as part of independent security assessments required by this subdivision.

(c) The office, the Office of Emergency Services, and the California Military Department shall transmit the complete results of each independent security assessment and recommendations for mitigating system vulnerabilities, if any, to the applicable county elections officials and the Secretary of State.

(d) (1) Notwithstanding any other law, during the process of conducting an independent security assessment pursuant to this section, information and records concerning the independent security assessment are confidential and shall not be disclosed, except that the information and records may be transmitted to state employees and state contractors who have been approved as necessary to receive the information and records to perform that independent security assessment, subsequent remediation activity, or monitoring of remediation activity.

(2) The results of a completed independent security assessment performed pursuant to this section, and any related information, shall be subject to all disclosure and confidentiality provisions pursuant to any state law, including, but not limited to, the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), including, but not limited to, Section 6254.19.

(e) The office, the Office of Emergency Services, and the California Military Department shall notify the Department of the California Highway Patrol and the Department of Justice regarding any criminal or alleged criminal cyber activity affecting any state entity or critical infrastructure of state government.

(f) For purposes of this section, the following terms of the following meanings:

(1) "Election infrastructure" means storage facilities, polling places, and centralized vote tabulations locations used to support the election process, and information and communications technology to include voter registration databases, vote tabulating devices, and other systems to manage the election process and report and display results.

(2) "Program" means the pilot program established pursuant to this section.

(g) This section shall remain in effect only until January 1, 2023, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2023, deletes or extends that date.

Amendment 4

On page 1, strike out lines 1 to 9, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2749

Amendment 1

In the title, in line 1, strike out "8200" and insert:

11546.7

Amendment 2

In the title, strike out line 2 and insert:

state government.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 11546.7 of the Government Code is amended to read:
11546.7. (a) Before July 1, 2019, and before July 1 biennially thereafter, the director of each state agency or state entity, as defined in subdivision (e) of Section 11546.1, and each chief information officer appointed under Section 11546.1, shall post on the home page of the state agency's or state entity's Internet Web site a signed certification from the state agency's or state entity's director and chief information officer that they have determined that the Internet Web site is in compliance with Sections 7405 and 11135, and the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success ~~criteria.~~ criteria, and is mobile friendly.

(b) The Director of Technology shall create a standard form that each state agency's or state entity's chief information officer shall use to determine whether the state agency's or state entity's Internet Web site is in compliance with the accessibility standards specified in subdivision (a).

(c) An Internet Web site maintained by a state agency or state entity that is intended for use by the public shall only become operational if it is mobile friendly and accessible by persons with disabilities.

Amendment 4

On page 1, strike out lines 1 to 6, inclusive



AMENDMENTS TO ASSEMBLY BILL NO. 2750

Amendment 1

In the title, in line 1, strike out “7195 of the Business and Professions Code,”,
strike out line 2 and insert:

103526 of the Health and Safety Code, relating to vital records.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 103526 of the Health and Safety Code, as amended by Section 128 of Chapter 561 of the Statutes of 2017, is amended to read:

103526. (a) (1) If the State Registrar, local registrar, or county recorder receives a written, faxed, electronic, or digitized image of a request for a certified copy of a birth, death, or marriage record pursuant to Section 103525 that is accompanied by a notarized statement sworn under penalty of perjury, an electronic verification of identity accompanied by an electronic statement sworn under penalty of perjury, or a faxed copy or digitized image of a notarized statement sworn under penalty of perjury, that the applicant is an authorized person, as defined in this section, that official may furnish a certified copy to the applicant pursuant to Section 103525.

(2) A faxed or digitized image of the notary acknowledgment accompanying a faxed request received pursuant to this subdivision for a certified copy of a birth, death, or marriage record shall be legible and, if the notary’s seal is not photographically reproducible, show the name of the notary, the county of the notary’s principal place of business, the notary’s telephone number, the notary’s registration number, and the notary’s commission expiration date typed or printed in a manner that is photographically reproducible below, or immediately adjacent to, the notary’s signature in the acknowledgment. If a request for a certified copy of a birth, death, or marriage record is made in person, the official shall take a statement sworn under penalty of perjury that the applicant is signing his or her own legal name and is an authorized person, and that official may then furnish a certified copy to the applicant.

(3) (A) If a request for a certified copy of a birth, death, or marriage record is made electronically, the official may accept an electronic verification authenticating the identity of the applicant using a multilayered remote identity proofing process that complies with all of the following requirements:

(i) Meets or exceeds the National Institute of Standards and Technology (NIST) electronic authentication guideline for multilayered remote identity proofing.

(ii) (I) Verifies all of the following information provided by the applicant:

(ia) A valid government-issued identification number.

(ib) A financial or utility account number.

(II) The verification pursuant to this subparagraph shall occur through record checks with the state or local agency or a credit reporting agency or similar database and shall confirm that the name, date of birth, address, or other personal information in the record checks are consistent with the information provided by the applicant.



(iii) Meets or exceeds the information security requirements of the Uniform Electronic Transactions Act (Title 2.5 (commencing with Section 1633.1) of Part 2 of Division 3 of the Civil Code) and the Federal Information Security Management Act of 2002 (Public Law 107-347) and all other applicable state and federal laws and regulations to protect the personal information of the applicant and guard against identity theft.

(iv) Retains for each electronic verification, as required by the NIST electronic authentication guideline, a record of the applicant whose identity has been verified and the steps taken to verify the identity.

(B) If an applicant's identity cannot be established electronically pursuant to this paragraph, the applicant shall include with his or her request a statement of identity notarized pursuant to paragraph (1).

(4) For purposes of this subdivision, "digitized image" means an image of an original paper request for a certified copy of a birth, death, or marriage record.

(b) (1) If the person requesting a certified copy of a birth, death, or nonconfidential marriage record is not an authorized person or is an authorized person who is otherwise unable to satisfy the requirements of subdivision (a), the certified copy provided to the applicant shall be an informational certified copy and shall display a legend that states "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY." The legend shall be placed on the certificate in a manner that will not conceal information.

(2) If the person requesting a certified copy of a confidential marriage record is not an authorized person or is an authorized person who is otherwise unable to satisfy the requirements of subdivision (a), the official shall not release a certified copy of the confidential marriage record unless otherwise authorized by law.

(c) For purposes of this section, an "authorized person" means:

(1) For purposes of requests for certified copies of confidential marriage records, only a party to the confidential marriage.

(2) For purposes of requests for certified copies of birth, death, or nonconfidential marriage records, a person who is any of the following:

(A) The registrant or a parent or legal guardian of the registrant.

(B) A party entitled to receive the record as a result of a court order, or an attorney or a licensed adoption agency seeking the birth record in order to comply with the requirements of Section 3140 or 7603 of the Family Code.

(C) A member of a law enforcement agency or a representative of another governmental agency, as provided by law, who is conducting official business.

(D) A child, grandparent, grandchild, sibling, spouse, or domestic partner of the registrant.

(E) An attorney representing the registrant or the registrant's estate, or any person or agency empowered by statute or appointed by a court to act on behalf of the registrant or the registrant's estate.

~~(F) An agent or employee of a funeral establishment who acts within the course and scope of his or her employment and who orders certified copies of a death certificate on behalf of an individual specified in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 7100.~~

(3) For purposes of requests for certified copies of death records, an authorized person is also a person who is any of the following:

(A) An individual described in paragraphs (1) to (8), inclusive, of subdivision (a) of Section 7100.

(B) An agent or employee of a funeral establishment who acts within the course and scope of his or her employment and who orders certified copies of a death certificate on behalf of an individual described in paragraphs (1) to (8), inclusive, of subdivision (a) of Section 7100.

(d) A person who asks the agent or employee of a funeral establishment to request a death certificate on his or her behalf warrants the truthfulness of his or her relationship to the decedent and is personally liable for all damages occasioned by, or resulting from, a breach of that warranty.

(e) Notwithstanding any other law:

(1) A member of a law enforcement agency or a representative of a state or local government agency, as provided by law, who orders a copy of a record to which subdivision (a) applies in conducting official business shall not be required to provide the notarized statement required by subdivision (a).

(2) An agent or employee of a funeral establishment who acts within the course and scope of his or her employment and who orders death certificates on behalf of individuals specified in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 7100 shall not be required to provide the notarized statement required by subdivision (a).

(f) Informational certified copies of birth and death certificates issued pursuant to subdivision (b) shall only be printed from the single statewide database prepared by the State Registrar and shall be electronically redacted to remove any signatures for purposes of compliance with this section. Local registrars and county recorders shall not issue informational certified copies of birth and death certificates from a source other than the statewide database prepared by the State Registrar. This subdivision shall become operative on July 1, 2007, but only after the statewide database becomes operational and the full calendar year of the birth and death indices and images is entered into the statewide database and is available for the respective year of the birth or death certificate for which an informational copy is requested. The State Registrar shall provide written notification to local registrars and county recorders as soon as a year becomes available for issuance from the statewide database.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer the changes made to this section by the act that added this subdivision through an all-county letter or similar instructions from the State Registrar without taking regulatory action.

(h) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 2. Section 103526 of the Health and Safety Code, as amended by Section 129 of Chapter 561 of the Statutes of 2017, is amended to read:

103526. (a) (1) If the State Registrar, local registrar, or county recorder receives a written, faxed, or digitized image of a request for a certified copy of a birth, death, or marriage record pursuant to Section 103525 that is accompanied by a notarized statement sworn under penalty of perjury, or a faxed copy or digitized image of a notarized statement sworn under penalty of perjury, that the requester is an authorized

person, as defined in this section, that official may furnish a certified copy to the applicant pursuant to Section 103525. A faxed or digitized image of the notary acknowledgment accompanying a faxed request received pursuant to this subdivision for a certified copy of a birth, death, or marriage record shall be legible and, if the notary's seal is not photographically reproducible, show the name of the notary, the county of the notary's principal place of business, the notary's telephone number, the notary's registration number, and the notary's commission expiration date typed or printed in a manner that is photographically reproducible below, or immediately adjacent to, the notary's signature in the acknowledgment. If a request for a certified copy of a birth, death, or marriage record is made in person, the official shall take a statement sworn under penalty of perjury that the requester is signing his or her own legal name and is an authorized person, and that official may then furnish a certified copy to the applicant.

(2) For purposes of this subdivision, "digitized image" means an image of an original paper request for a certified copy of a birth, death, or marriage record.

(b) (1) If the person requesting a certified copy of a birth, death, or nonconfidential marriage record is not an authorized person or is an authorized person who is otherwise unable to satisfy the requirements of subdivision (a), the certified copy provided to the applicant shall be an informational certified copy and shall display a legend that states "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY." The legend shall be placed on the certificate in a manner that will not conceal information.

(2) If the person requesting a certified copy of a confidential marriage record is not an authorized person or is an authorized person who is otherwise unable to satisfy the requirements of subdivision (a), the official shall not release a certified copy of the confidential marriage record unless otherwise authorized by law.

(c) For purposes of this section, an "authorized person" means:

(1) For purposes of requests for certified copies of confidential marriage records, only a party to the confidential marriage.

(2) For purposes of requests for certified copies of birth, death, or nonconfidential marriage records, a person who is any of the following:

(A) The registrant or a parent or legal guardian of the registrant.

(B) A party entitled to receive the record as a result of a court order, or an attorney or a licensed adoption agency seeking the birth record in order to comply with the requirements of Section 3140 or 7603 of the Family Code.

(C) A member of a law enforcement agency or a representative of another governmental agency, as provided by law, who is conducting official business.

(D) A child, grandparent, grandchild, sibling, spouse, or domestic partner of the registrant.

(E) An attorney representing the registrant or the registrant's estate, or any person or agency empowered by statute or appointed by a court to act on behalf of the registrant or the registrant's estate.

~~(F) An agent or employee of a funeral establishment who acts within the course and scope of his or her employment and who orders certified copies of a death certificate on behalf of any individual specified in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 7100.~~

(3) For purposes of requests for certified copies of death records, an authorized person is also a person who is any of the following:

(A) An individual described in paragraphs (1) to (8), inclusive, of subdivision (a) of Section 7100.

(B) An agent or employee of a funeral establishment who acts within the course and scope of his or her employment and who orders certified copies of a death certificate on behalf of an individual described in paragraphs (1) to (8), inclusive, of subdivision (a) of Section 7100.

(d) A person who asks the agent or employee of a funeral establishment to request a death certificate on his or her behalf warrants the truthfulness of his or her relationship to the decedent and is personally liable for all damages occasioned by, or resulting from, a breach of that warranty.

(e) Notwithstanding any other law:

(1) A member of a law enforcement agency or a representative of a state or local government agency, as provided by law, who orders a copy of a record to which subdivision (a) applies in conducting official business shall not be required to provide the notarized statement required by subdivision (a).

(2) An agent or employee of a funeral establishment who acts within the course and scope of his or her employment and who orders death certificates on behalf of individuals specified in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 7100 shall not be required to provide the notarized statement required by subdivision (a).

(f) Informational certified copies of birth and death certificates issued pursuant to subdivision (b) shall only be printed from the single statewide database prepared by the State Registrar and shall be electronically redacted to remove any signatures for purposes of compliance with this section. Local registrars and county recorders shall not issue informational certified copies of birth and death certificates from a source other than the statewide database prepared by the State Registrar. This subdivision shall become operative on July 1, 2007, but only after the statewide database becomes operational and the full calendar year of the birth and death indices and images is entered into the statewide database and is available for the respective year of the birth or death certificate for which an informational copy is requested. The State Registrar shall provide written notification to local registrars and county recorders as soon as a year becomes available for issuance from the statewide database.

(g) This section shall become operative January 1, 2021.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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Substantive

Amendment 3

On page 1, strike out lines 1 to 7, inclusive, and strike out pages 2 and 3

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AMENDMENTS TO ASSEMBLY BILL NO. 2751

Amendment 1

In the title, in line 1, after "act" insert:

to add Section 1150.5 to the Labor Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1150.5 is added to the Labor Code, to read:
1150.5. The board shall conduct and complete an expedited study by January 31, 2019, on how to eliminate delays and expedite the implementation of collective bargaining agreements ordered by the board after the completion of the mandatory mediation and conciliation procedures in Chapter 6.5 (commencing with Section 1164). The board shall provide for recommendations and adopt regulations to implement any recommendations by June 1, 2019.

Amendment 3

On page 1, strike out lines 1 to 5, inclusive



AMENDMENTS TO ASSEMBLY BILL NO. 2762

Amendment 1

In the title, in line 1, after "act" insert:

to amend Section 2002 of the Public Contract Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 2002 of the Public Contract Code is amended to read:

2002. (a) Notwithstanding any other provision of law requiring a local agency to award contracts to the lowest responsible bidder, any local agency may do any of the following in facilitating contract awards to ~~small-businesses~~ businesses, disabled veteran businesses, or social enterprises:

(1) Provide for a ~~small-business~~ business, disabled veteran business, or social enterprise preference in construction, the procurement of goods, or the delivery of services where responsibility and quality are equal. The preference to ~~a small business~~ these businesses shall be up to ~~5~~ 15 percent of the lowest responsible bidder meeting specifications.

(2) Establish a subcontracting participation goal for ~~small-businesses~~ businesses, disabled veteran businesses, or social enterprises on contracts and grant a preference, up to a maximum of ~~5~~ 15 percent, to those bidders who meet the goal.

(3) Require bidders to make good faith efforts to meet a subcontracting participation goal for ~~small-business~~ business, disabled veteran business, or social enterprise contracts. Bidders that fail to meet the goal shall demonstrate that they made good faith efforts to utilize small business contractors.

(4) Set additional guidelines for local preference purposes.

(b) ~~The term "small business,"~~ terms "small business," "disabled veteran business," and "social enterprise," as used in this section, shall be defined by each local agency.

(c) Notwithstanding subdivision (b), ~~small~~ for the purposes of this section:

(1) "Small business" shall include a small business enterprise certified pursuant to Article 1 (commencing with Section 14835) of Chapter 6.5 of Part 5.5 of Division 3 of Title 2 of the Government Code.

(2) "Disabled veteran business" includes a disabled veteran business enterprise certified pursuant to Article 6 (commencing with Section 999) of Chapter 6. of Division 4 of the Military and Veterans Code.

(3) "Social enterprise" includes a nonprofit or for profit business whose primary purpose is to benefit th economic, environmental, or social health of the community and which use the methods and disciplines of business and the power of the marketplace to advance its social environmental, and human justice agendas, wherein the organization that applies commercial strategies to maximize improvements in human and environmental well-being that may include maximizing social impact rather than profits for external shareholders. Social enterprise shall include a business that has



been in operation for at least one year providing transitional or permanent employment to a transitional workforce or providing social, environmental, or human justice services. "Social enterprise" shall also include a social enterprise certified by the administering local agency.

(4) "Transitional employment" means short-term or long-term, wage-paying, subsidized or non-subsidized employment that combines real work, skill development, and supportive services to help a traditional workforce overcome barriers to employment and transition to unsubsidized competitive employment.

(5) "Transitional workforce" means under-employed or hard-to-employ persons who may be homeless, formerly incarcerated, or who either have not worked for an extended period of time or face significant barriers to employment, where applicable.

Amendment 3

On page 1, strike out lines 1 and 2 and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2764

Amendment 1

In the title, in line 1, strike out "100" and insert:

10430

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 10430 of the Public Contract Code is amended to read:
10430. This chapter does not apply to any of the following:

(a) The Regents of the University of California and the Trustees of the California State University, except that Article 9 (commencing with Section 10420) shall apply to the Trustees of the California State University.

(b) (1) Transactions covered under Chapter 3 (commencing with Section 12100), except that Sections 10295.3, 10295.35, 10295.4, 10296, 10365.5, 10410, and 10411 ~~10411, and Article 13 (commencing with Section 10475)~~ shall apply to all transactions under that chapter.

(2) Notwithstanding paragraph (1), Section 10365.5 shall not apply to incidental advice or suggestions made outside of the scope of a consulting services contract.

(3) (A) Notwithstanding paragraph (1), Section 10365.5 shall not apply to a contract that is part of a single competitive procurement conducted in more than one stage for information technology goods or services, when the Director of the Department of General Services and the ~~Chief Information Officer~~ Director of Technology determine that there is no conflict of interest under Section 10365.5 and that it is in the best interest of the state to utilize this procurement method. Nothing in this section shall preclude the applicability of Section 12112 to this procurement method.

(B) The Department of General Services shall annually submit a report on its Internet Web site describing each determination granted pursuant to subparagraph (A), listing the basis for the determination, and disclosing the total amount of money paid or to be paid to the contractor under the contract that was the subject of the determination. The department shall provide notice to the Joint Legislative Budget Committee within 30 days of the posting of the report.

(C) For purposes of this paragraph, "information technology" means information technology goods or services, or both, as appropriate.

(c) Except as otherwise provided in this chapter, any entity exempted from Section 10295. However, the Board of Governors of the California Community Colleges shall be governed by this chapter, except as provided in Sections 10295, 10335, and 10389. The Department of Water Resources shall be governed by this chapter, except as provided in Sections 10295.6, 10304.1, 10335, and 10340.

(d) Transactions covered under Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.



(e) Except as provided for in subdivision (c), members of boards or commissions who receive no payment other than payment for each meeting of the board or commission, payment for preparatory time, and payment for per diem.

(f) The emergency purchase of protective vests for correctional peace officers whose duties require routine contact with state prison inmates. This subdivision shall remain operative only until January 1, 1987.

(g) Spouses of state officers or employees and individuals and entities that employ spouses of state officers and employees, that are vendored to provide services to regional center clients pursuant to Section 4648 of the Welfare and Institutions Code if the vendor of services, in that capacity, does not receive any material financial benefit, distinguishable from the benefit to the public generally, from any governmental decision made by the state officer or employee.

(h) Subject to the approval of the Director of Developmental Services, or his or her designee, a state employee of the department who is qualified to provide necessary services for regional center consumers and has entered into a contract with a regional center for the purpose of developing regional center services. The state employee shall terminate employment with any state agency or department before providing services funded by the state, as specified in Section 10410, to one or more regional center consumers. A contract entered into by a regional center and a state employee, in his or her capacity as a private citizen, to develop regional center services does not constitute a state contract within the meaning of Section 1090 of the Government Code. Accordingly, the state employee has no financial interest in a state contract under these circumstances.

Amendment 3

On page 1, strike out lines 1 to 10, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2765

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Sections 12926 and 12940 of the Government Code, and to add Chapter 4.8 (commencing with Section 1080) to Part 3 of Division 2 of the Labor Code, relating to employment.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 12926 of the Government Code is amended to read:
12926. As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

(a) "Affirmative relief" or "prospective relief" includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

(b) "Age" refers to the chronological age of any individual who has reached a 40th birthday.

(c) Except as provided by Section 12926.05, "employee" does not include any individual employed by that person's parent, spouse, or child or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(d) "Employer" includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

"Employer" does not include a religious association or corporation not organized for private profit.

(e) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(f) "Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

(1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

(A) The function may be essential because the reason the position exists is to perform that function.

(B) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

(C) The function may be highly specialized, so that the incumbent in the position is hired based on expertise or the ability to perform a particular function.



(2) Evidence of whether a particular function is essential includes, but is not limited to, the following:

(A) The employer's judgment as to which functions are essential.

(B) Written job descriptions prepared before advertising or interviewing applicants for the job.

(C) The amount of time spent on the job performing the function.

(D) The consequences of not requiring the incumbent to perform the function.

(E) The terms of a collective bargaining agreement.

(F) The work experiences of past incumbents in the job.

(G) The current work experience of incumbents in similar jobs.

(g) (1) "Genetic information" means, with respect to any individual, information about any of the following:

(A) The individual's genetic tests.

(B) The genetic tests of family members of the individual.

(C) The manifestation of a disease or disorder in family members of the individual.

(2) "Genetic information" includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

(3) "Genetic information" does not include information about the sex or age of any individual.

(h) "Labor organization" includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(i) "Medical condition" means either of the following:

(1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

(2) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:

(A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or that person's offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or that person's offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(j) "Mental disability" includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, ~~such~~ these as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) "Limits" shall be determined without regard to mitigating measures, ~~such~~ these as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(k) "Military and veteran status" means a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, the United States National Guard, and the California National Guard.

(l) "On the bases enumerated in this part" means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, or military and veteran status.

(m) "Physical disability" includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(B) Limits a major life activity. For purposes of this section:

(i) "Limits" shall be determined without regard to mitigating measures ~~such~~ these as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(n) Notwithstanding subdivisions (j) and (m), if the definition of "disability" used in the federal Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in subdivision (j) or (m), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (j) and (m).

(o) "Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, or military and veteran status" includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

(p) "Reasonable accommodation" may include either of the following:

(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(q) "Religious creed," "religion," "religious observance," "religious belief," and "creed" include all aspects of religious belief, observance, and practice, including religious dress and grooming practices. "Religious dress practice" shall be construed broadly to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of an individual observing a religious creed. "Religious grooming practice" shall be construed broadly to include all forms of head, facial, and body hair that are part of an individual observing a religious creed.

(r) (1) "Sex" includes, but is not limited to, the following:

(A) Pregnancy or medical conditions related to pregnancy.

(B) Childbirth or medical conditions related to childbirth.

(C) Breastfeeding or medical conditions related to breastfeeding.

(2) "Sex" also includes, but is not limited to, a person's gender. "Gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

(s) "Sexual orientation" means heterosexuality, homosexuality, and bisexuality.

(t) "Supervisor" means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(u) "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

(1) The nature and cost of the accommodation needed.

(2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.

(3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

(4) The type of operations, including the composition, structure, and functions of the workforce of the entity.

(5) The geographic separateness or administrative or fiscal relationship of the facility or facilities.

(v) "National origin" discrimination includes, but is not limited to, discrimination on the basis of possessing a driver's license granted under Section 12801.9 of the Vehicle Code.

(w) "Digital marketplace" shall have the same meaning as in Chapter 4.8 (commencing with Section 1080) of Part 3 of Division 2 of the Labor Code.

(x) "Marketplace contractor" shall have the same meaning as in Chapter 4.8 (commencing with Section 1080) of Part 3 of Division 2 of the Labor Code.

SEC. 2. Section 12940 of the Government Code is amended to read:

12940. It is an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

(a) For an employer, because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status of any person, to refuse to hire or employ the person or to refuse to select the person for a training program leading to employment, or to bar or to discharge the person from employment or from a training program leading to employment, or to discriminate against the person in compensation or in terms, conditions, or privileges of employment.

(1) This part does not prohibit an employer from refusing to hire or discharging an employee with a physical or mental disability, or subject an employer to any legal liability resulting from the refusal to employ or the discharge of an employee with a physical or mental disability, if the employee, because of a physical or mental disability, is unable to perform the employee's essential duties even with reasonable accommodations, or cannot perform those duties in a manner that would not endanger the employee's health or safety or the health or safety of others even with reasonable accommodations.

(2) This part does not prohibit an employer from refusing to hire or discharging an employee who, because of the employee's medical condition, is unable to perform the employee's essential duties even with reasonable accommodations, or cannot perform those duties in a manner that would not endanger the employee's health or safety or the health or safety of others even with reasonable accommodations. Nothing in this part shall subject an employer to any legal liability resulting from the refusal to employ or the discharge of an employee who, because of the employee's medical condition, is unable to perform the employee's essential duties, or cannot perform those duties in a manner that would not endanger the employee's health or safety or the health or safety of others even with reasonable accommodations.

(3) Nothing in this part relating to discrimination on account of marital status shall do either of the following:

(A) Affect the right of an employer to reasonably regulate, for reasons of supervision, safety, security, or morale, the working of spouses in the same department, division, or facility, consistent with the rules and regulations adopted by the commission.

(B) Prohibit bona fide health plans from providing additional or greater benefits to employees with dependents than to those employees without or with fewer dependents.

(4) Nothing in this part relating to discrimination on account of sex shall affect the right of an employer to use veteran status as a factor in employee selection or to give special consideration to Vietnam-era veterans.

(5) (A) This part does not prohibit an employer from refusing to employ an individual because of the individual's age if the law compels or provides for that refusal. Promotions within the existing staff, hiring or promotion on the basis of experience and training, rehiring on the basis of seniority and prior service with the employer, or hiring under an established recruiting program from high schools, colleges, universities, or trade schools do not, in and of themselves, constitute unlawful employment practices.

(B) The provisions of this part relating to discrimination on the basis of age do not prohibit an employer from providing health benefits or health care reimbursement plans to retired persons that are altered, reduced, or eliminated when the person becomes eligible for Medicare health benefits. This subparagraph applies to all retiree health benefit plans and contractual provisions or practices concerning retiree health benefits and health care reimbursement plans in effect on or after January 1, 2011.

(b) For a labor organization, because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status of any person, to exclude, expel, or restrict from its membership the person, or to provide only second-class or segregated membership or to discriminate against any person because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status of the person in the election of officers of the labor organization or in the selection of the labor organization's staff or to discriminate in any way against any of its members or against any employer or against any person employed by an employer.

(c) For any person to discriminate against any person in the selection, termination, training, or other terms or treatment of that person in any apprenticeship training

program, any other training program leading to employment, an unpaid internship, or another limited duration program to provide unpaid work experience for that person because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status of the person discriminated against.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any publication, or to make any nonjob-related inquiry of an employee or applicant, either verbal or through use of an application form, that expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, or any intent to make any ~~such~~ these limitation, specification, or discrimination. This part does not prohibit an employer or employment agency from inquiring into the age of an applicant, or from specifying age limitations, if the law compels or provides for that action.

(e) (1) Except as provided in paragraph (2) or (3), for any employer or employment agency to require any medical or psychological examination of an applicant, to make any medical or psychological inquiry of an applicant, to make any inquiry whether an applicant has a mental disability or physical disability or medical condition, or to make any inquiry regarding the nature or severity of a physical disability, mental disability, or medical condition.

(2) Notwithstanding paragraph (1), an employer or employment agency may inquire into the ability of an applicant to perform job-related functions and may respond to an applicant's request for reasonable accommodation.

(3) Notwithstanding paragraph (1), an employer or employment agency may require a medical or psychological examination or make a medical or psychological inquiry of a job applicant after an employment offer has been made but prior to the commencement of employment duties, provided that the examination or inquiry is job related and consistent with business necessity and that all entering employees in the same job classification are subject to the same examination or inquiry.

(f) (1) Except as provided in paragraph (2), for any employer or employment agency to require any medical or psychological examination of an employee, to make any medical or psychological inquiry of an employee, to make any inquiry whether an employee has a mental disability, physical disability, or medical condition, or to make any inquiry regarding the nature or severity of a physical disability, mental disability, or medical condition.

(2) Notwithstanding paragraph (1), an employer or employment agency may require any examinations or inquiries that it can show to be job related and consistent with business necessity. An employer or employment agency may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that worksite.

(g) For any employer, labor organization, or employment agency to harass, discharge, expel, or otherwise discriminate against any person because the person has made a report pursuant to Section 11161.8 of the Penal Code that prohibits retaliation

against hospital employees who report suspected patient abuse by health facilities or community care facilities.

(h) For any employer, labor organization, employment agency, or person to discharge, expel, or otherwise discriminate against any person because the person has opposed any practices forbidden under this part or because the person has filed a complaint, testified, or assisted in any proceeding under this part.

(i) For any person to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this part, or to attempt to do so.

(j) (1) For an employer, labor organization, employment agency, apprenticeship training program or any training program leading to employment, or any other person, because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, to harass an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract. Harassment of an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract by an employee, other than an agent or supervisor, shall be unlawful if the entity, or its agents or supervisors, knows or should have known of this conduct and fails to take immediate and appropriate corrective action. An employer may also be responsible for the acts of nonemployees, with respect to sexual harassment of employees, applicants, unpaid interns or volunteers, or persons providing services pursuant to a contract in the workplace, if the employer, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing cases involving the acts of nonemployees, the extent of the employer's control and any other legal responsibility that the employer may have with respect to the conduct of those nonemployees shall be considered. An entity shall take all reasonable steps to prevent harassment from occurring. Loss of tangible job benefits shall not be necessary in order to establish harassment.

(2) The provisions of this subdivision are declaratory of existing law, except for the new duties imposed on employers with regard to harassment.

(3) An employee of an entity subject to this subdivision is personally liable for any harassment prohibited by this section that is perpetrated by the employee, regardless of whether the employer or covered entity knows or should have known of the conduct and fails to take immediate and appropriate corrective action.

(4) (A) For purposes of this subdivision only, "employer" means any person regularly employing one or more persons or regularly receiving the services of one or more persons providing services pursuant to a contract, or any person acting as an agent of an employer, directly or indirectly, the state, or any political or civil subdivision of the state, and cities. The definition of "employer" in subdivision (d) of Section 12926 applies to all provisions of this section other than this subdivision.

(B) Notwithstanding subparagraph (A), for purposes of this subdivision, "employer" does not include a religious association or corporation not organized for private profit, except as provided in Section 12926.2.

(C) For purposes of this subdivision, "harassment" because of sex includes sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions. Sexually harassing conduct need not be motivated by sexual desire.

(5) For purposes of this subdivision, "a person providing services pursuant to a contract" means a person who meets all of the following criteria:

(A) The person has the right to control the performance of the contract for services and discretion as to the manner of performance.

(B) The person is customarily engaged in an independently established business.

(C) The person has control over the time and place the work is performed, supplies the tools and instruments used in the work, and performs work that requires a particular skill not ordinarily used in the course of the employer's work.

(k) For an employer, labor organization, employment agency, apprenticeship training program, or any training program leading to employment, to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring.

(l) (1) For an employer or other entity covered by this part to refuse to hire or employ a person or to refuse to select a person for a training program leading to employment or to bar or to discharge a person from employment or from a training program leading to employment, or to discriminate against a person in compensation or in terms, conditions, or privileges of employment because of a conflict between the person's religious belief or observance and any employment requirement, unless the employer or other entity covered by this part demonstrates that it has explored any available reasonable alternative means of accommodating the religious belief or observance, including the possibilities of excusing the person from those duties that conflict with the person's religious belief or observance or permitting those duties to be performed at another time or by another person, but is unable to reasonably accommodate the religious belief or observance without undue hardship, as defined in subdivision (u) of Section 12926, on the conduct of the business of the employer or other entity covered by this part. Religious belief or observance, as used in this section, includes, but is not limited to, observance of a Sabbath or other religious holy day or days, reasonable time necessary for travel prior and subsequent to a religious observance, and religious dress practice and religious grooming practice as described in subdivision (q) of Section 12926. This subdivision shall also apply to an apprenticeship training program, an unpaid internship, and any other program to provide unpaid experience for a person in the workplace or industry.

(2) An accommodation of an individual's religious dress practice or religious grooming practice is not reasonable if the accommodation requires segregation of the individual from other employees or the public.

(3) An accommodation is not required under this subdivision if it would result in a violation of this part or any other law prohibiting discrimination or protecting civil rights, including subdivision (b) of Section 51 of the Civil Code and Section 11135 of this code.

(4) For an employer or other entity covered by this part to, in addition to the employee protections provided pursuant to subdivision (h), retaliate or otherwise discriminate against a person for requesting accommodation under this subdivision, regardless of whether the request was granted.

(m) (1) For an employer or other entity covered by this part to fail to make reasonable accommodation for the known physical or mental disability of an applicant or employee. Nothing in this subdivision or in paragraph (1) or (2) of subdivision (a) shall be construed to require an accommodation that is demonstrated by the employer

or other covered entity to produce undue hardship, as defined in subdivision (u) of Section 12926, to its operation.

(2) For an employer or other entity covered by this part to, in addition to the employee protections provided pursuant to subdivision (h), retaliate or otherwise discriminate against a person for requesting accommodation under this subdivision, regardless of whether the request was granted.

(n) For an employer or other entity covered by this part to fail to engage in a timely, good faith, interactive process with the employee or applicant to determine effective reasonable accommodations, if any, in response to a request for reasonable accommodation by an employee or applicant with a known physical or mental disability or known medical condition.

(o) For an employer or other entity covered by this part, to subject, directly or indirectly, any employee, applicant, or other person to a test for the presence of a genetic characteristic.

(p) For a digital marketplace to discriminate against any individual because of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, in receiving, classifying, disposing, or otherwise acting upon applications to participate with the digital marketplace as a marketplace contractor.

~~(p)~~

(q) Nothing in this section shall be interpreted as preventing the ability of employers to identify members of the military or veterans for purposes of awarding a veteran's preference as permitted by law.

SEC. 3. Chapter 4.8 (commencing with Section 1080) is added to Part 3 of Division 2 of the Labor Code, to read:

CHAPTER 4.8. DIGITAL MARKETPLACE CONTRACTORS

1080. As used in this chapter:

- (a) "Contractor benefits" means one or more of the following:
- (1) Medical care, which may include hospitalization, sickness, and prescription drugs.
 - (2) Benefits in the event of sickness, accident, or disability.
 - (3) Liability insurance.
 - (4) Retirement benefits.
 - (5) Life insurance.
 - (6) Vision care.
 - (7) Dental care.
 - (8) Compensation during a period of leave, not to exceed 12 weeks during any 12-month period, because of the birth or adoption of a child, to care for a spouse, child, or parent, or because of a serious health condition that makes the contractor unable to work.
- (b) "Contractor fee" means the amount earned by a marketplace contractor for each job secured through the digital marketplace, less any gratuities and any service fees charged by the digital marketplace.
- (c) "Department" means the Employment Development Department.

(d) "Digital marketplace" or "marketplace" means an organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity, that does both of the following:

(1) Operates a digital Internet Web site or digital smartphone application, or both, that facilitates the provision of services by marketplace contractors or entities to individuals or entities seeking those services.

(2) Does not accept service requests by telephone, by facsimile, or in person at physical retail locations.

(e) "Marketplace contractor" or "contractor" means any person who enters into an agreement with a digital marketplace to use the marketplace's digital Internet Web site or digital application in connection with the provision of services to individuals or entities seeking these services.

(f) "Marketplace contractor benefit plan" or "benefit plan" means any plan, fund, or program that is funded by contributions from a digital marketplace and is established and maintained for the purpose of providing contractor benefits to the marketplace contractors who use the digital marketplace.

(g) "Participant" means any marketplace contractor who is eligible to receive contractor benefits under a contractor benefit plan.

(h) "Participating digital marketplace" or "participating marketplace" means a digital marketplace that has elected to contribute to a benefit plan pursuant to Section 1081, except that a digital marketplace shall be deemed a participating digital marketplace only during the period beginning on the date the digital marketplace submits written notice to the department pursuant to Section 1081 and ending on the later of three months following the date the digital marketplace submits notice of the discontinuation of contributions to the department or the date of the final contribution by the participating marketplace pursuant to Section 1081.

(i) "Plan administrator" means the person or entity so designated by the terms of the plan agreement.

(j) "Plan agreement" means a written agreement between a digital marketplace and a plan administrator that provides for the establishment and administration of a marketplace contractor benefit plan.

1081. (a) A digital marketplace may elect to contribute to a marketplace contractor benefit plan established to provide benefits to the marketplace contractors who use the digital marketplace. Each election shall be made by providing written notice of the election to the department and by paying a fee to the department, fixed by the department in an amount needed to administer this chapter, but not exceeding five hundred dollars (\$500). The department shall use revenues from those fees, upon appropriation by the Legislature, for the administration of this chapter.

(b) (1) A digital marketplace that elects to contribute to a benefit plan shall contribute a minimum of ____ percent of the contractor fee for each transaction for both of the following:

(A) Services provided wholly or partially in the state by resident marketplace contractors.

(B) Services provided wholly in the state by nonresident marketplace contractors.

(2) The contribution amount for each transaction may be indicated on the invoice or billing submitted to the customer for the covered services.

(c) The initial contribution shall be made no later than 45 days following the date the digital marketplace submits the written notice specified in subdivision (a) to the department and shall include the aggregate contribution amount for all subject transactions completed during the first 30 days following the date this notice is submitted. The contributions shall be transmitted in accordance with the terms of the plan agreement, or, if no plan agreement has been executed, shall be paid into an escrow account and held until a plan agreement has been executed, at which time the amount held in escrow shall be transmitted pursuant to the terms of the plan agreement. Subsequent contributions shall be made on a monthly or quarterly basis in accordance with the terms of the plan agreement.

(d) A digital marketplace that elects to contribute to a marketplace contractor benefit plan shall provide these contributions for a minimum of one year. A participating digital marketplace that elects to discontinue contributions to a benefit plan after the expiration of the initial one-year period shall provide written notice of this election to the department no later than three months before the date of the final contribution by the participating digital marketplace.

1082. (a) Each participating digital marketplace shall enter into a written plan agreement with a plan administrator. The plan agreement shall require the plan administrator to establish and maintain a benefit plan to provide benefits to the contractors who use the digital marketplace.

(b) Every contractor benefit plan shall comply with the following:

(1) Shall be governed by a written instrument that provides a procedure for carrying out the objectives of the plan and the basis on which payments are made to and from the plan.

(2) Shall provide that the plan shall be administered for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the plan.

(3) (A) Except as provided in subparagraph (B), shall maintain an account for each contractor and shall deposit into that account the contributions paid by the participating digital marketplace attributable to the contractor's aggregate contractor fees for the relevant period, less reasonable administrative costs, not to exceed ____.

(B) A benefit plan may require a contractor to earn a minimum amount in contractor fees, not to exceed ____ dollars (\$____), in order to be eligible to receive benefits. A plan with a minimum contractor fee threshold shall provide a mechanism to distribute the contributions paid by the participating digital marketplace attributable to these nonqualifying contractor's aggregate contractor fees to the participants who qualified for benefits during the year in which those contributions were paid.

(4) Shall provide a mechanism for participants to do both of the following:

(A) To transfer accrued benefits to another benefit plan established pursuant to this chapter.

(B) To withdraw the monetary value of the accrued benefits, less a reasonable administrative fee and less a withdrawal penalty of ____ percent of the total monetary value of the accrued benefits.

(5) Shall provide for one or more named fiduciaries who, jointly or severally, shall have authority to control and manage the operation and administration of the plan.

(6) May be established or maintained to provide benefits to contractors of multiple participating digital marketplaces.

(7) Shall ensure that all insurance and retirement policies and plans comply with applicable federal and state requirements.

(8) May include any other provisions for the establishment or maintenance of the plan to the extent not inconsistent with this chapter.

(c) A plan administrator shall remit to the department withdrawal penalties collected pursuant to subdivision (b). These sums shall be used by the department, upon appropriation by the Legislature, in the administration of this chapter or for any other purpose authorized by this code.

1083. (a) Participating digital marketplaces shall establish a procedure for representatives of the marketplace contractors to meet with representatives of the participating digital marketplaces to discuss issues relating to the operation of the participating marketplace. These issues may include the provision of training to the marketplace contractors and any other issues not otherwise prohibited by state or federal law. These meetings shall be held no fewer than four times per year.

(b) Participating digital marketplaces shall not be required to take any action on issues discussed with marketplace contractors during these meetings.

1084. (a) Notwithstanding any other law, for purposes of the provisions of state and local laws that govern employment, including this code and the Unemployment Insurance Code, a marketplace contractor that offers services through a digital marketplace shall be treated as an independent contractor of the digital marketplace.

1085. (a) A participating digital marketplace may provide education and training, whether directly or through a third-party provider, including by a plan administrator, to marketplace contractors that use the digital marketplace on either of the following subject matters:

(1) On the use of the digital marketplace's digital application or Internet Web site.

(2) On standards and methods for providing the services offered by the marketplace contractor through the digital marketplace, provided that the education and training is offered to the marketplace contractor on a voluntary basis.

(b) A participating digital marketplace's election to provide education and training as provided for in this section shall not be considered and is inadmissible for the purpose of determining the independent contractor or employment status of a marketplace contractor that uses the digital marketplace.

1086. The Legislature finds and declares that the lack of benefits commonly associated with employment for the expanding category of independent contractors who engage in market transactions facilitated by Internet and smartphone applications is a matter of statewide interest and concern. A county, municipality, or other political subdivision, including a charter city or county, shall not enact or enforce any law, ordinance, or rule inconsistent with this chapter.

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Substantive

Amendment 3
On page 1, strike out lines 1 and 2

- 0 -

AMENDMENTS TO ASSEMBLY BILL NO. 2768

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Section 422 of the Penal Code, relating to criminal threats.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 422 of the Penal Code is amended to read:

422. (a) Any person who willfully threatens to commit a crime ~~which~~ that will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

(b) Any person who willfully threatens to commit a crime that will result in death or great bodily injury to persons at any school or place of religious worship, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey a gravity of purpose and an immediate prospect of the execution of the threat, and thereby causes the administration of that school or place of religious worship reasonably to be in sustained fear for its safety or the safety of its immediate membership, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

~~(b)~~

(c) For purposes of this section, the following definitions apply: "immediate family" means any spouse, whether by marriage or not, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

~~(e)~~

(1) "Electronic communication device" includes, but is not limited to, telephones, cellular telephones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(2) "Immediate family" means any spouse, whether by marriage or not, parent, child, any person related by consanguinity or affinity within the second degree, or any



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other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(3) "Immediate membership" means any student, school, personnel, or member of the religious organization.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 3

On page 1, strike out lines 1 and 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2771

Amendment 1

In the title, in line 1, after "act" insert:

to add Part 70.5 (commencing with Section 101300) to Division 14 of Title 3 of the Education Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Part 70.5 (commencing with Section 101300) is added to Division 14 of Title 3 of the Education Code, to read:

PART 70.5. HIGHER EDUCATION FACILITIES BOND ACT OF 2018

CHAPTER 1. GENERAL PROVISIONS

101300. This part shall be known and may be cited as the Higher Education Facilities Bond Act of 2018.

101301. The incorporation of, or reference to, any provisions of California statutory law in this part includes all acts amendatory thereof and supplementary thereto.

101302. The Legislature finds and declares all of the following:

(a) California's economic and social prosperity relies on a higher education system that keeps pace with California's growth.

(b) By 2030, California is estimated to fall short of demand in the job market by 1,100,000 college graduates.

(c) Despite the need for more college graduates, California is turning away tens of thousands of qualified residents for admission to its four-year universities.

(d) Thousands of potential students are place-bound without adequate access to a four-year public university.

(e) There is an acute need for increased student housing, and the inadequate availability of such housing serves as an obstacle to the ability of students to pursue and complete their degrees.

(f) The purposes of this article include assisting in meeting the capital outlay financing needs of California's public higher education system.

101303. The 2018 Higher Education Facilities Bond Act Finance Committee is hereby created. The committee shall consist of the Governor, the Controller, the Treasurer, the Director of Finance, the President of the University of California, and the Chancellor of the California State University, or their designees. The Treasurer shall serve as chairperson of the committee.



CHAPTER 2. FISCAL PROVISIONS

101310. (a) Bonds in the total amount of seven billion dollars (\$7,000,000,000), not including the amount of any refunding bonds issued in accordance with Section 101320, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this part and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of the principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) Pursuant to this section, the Treasurer shall sell the bonds authorized by the 2018 Higher Education Facilities Bond Act Finance Committee established pursuant to Section 101303 at any different times necessary to service expenditures required by the apportionments.

(c) The proceeds of bonds issued and sold pursuant to this part shall be deposited in the 2018 Higher Education Capital Outlay Bond Fund, which is hereby created.

101311. The 2018 Higher Education Facilities Bond Act Finance Committee established pursuant to Section 101303 is hereby authorized to create a debt or debts, liability or liabilities, of the State of California pursuant to this chapter for the purpose of providing funds to aid the University of California, the Hastings College of the Law, and the California State University.

101312. (a) The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law, except Section 16727 of the Government Code, apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

(b) For the purposes of the State General Obligation Bond Law, each state agency administering an appropriation of the 2018 Higher Education Capital Outlay Bond Fund is designated as the "board" for projects funded pursuant to this chapter.

(c) The proceeds of the bonds issued and sold pursuant to this chapter shall be available for the construction, reconstruction, and remodeling of existing or new facilities, including the construction of buildings and the acquisition of related fixtures; the equipping of new, renovated, or reconstructed facilities; funding for the payment of preconstruction costs, including, but not necessarily limited to, preliminary plans and working drawings; renovation and reconstruction of facilities; and the construction or improvement of off-campus facilities of the California State University approved by the Trustees of the California State University on or before July 1, 2014, including the acquisition of sites upon which these facilities are to be constructed. The addition of the Hastings College of the Law to this section is not intended to mark a change from the funding authorizations made by Section 67354, as contained in the Higher Education Facilities Bond Act of 1986, or by Section 67334, as contained in the Higher Education Facilities Bond Act of 1988, but is intended to state more clearly what was intended by the Legislature in those sections as well.

101313. The 2018 Higher Education Facilities Bond Act Finance Committee established pursuant to Section 101303 shall authorize the issuance of bonds under this chapter only to the extent necessary to fund the apportionments for the purposes described in this chapter that are expressly authorized by the Legislature in the annual Budget Act. Pursuant to that legislative direction, the committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to carry out the purposes described in this chapter and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

101314. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which is necessary to collect that additional sum.

101315. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable.

(b) The sum necessary to carry out Section 101318, appropriated without regard to fiscal years.

101316. The board, as defined in subdivision (b) of Section 101312, may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account or any other approved form of interim financing, in accordance with Section 16312 of the Government Code, for the purpose of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this chapter. The board, as defined in subdivision (b) of Section 101312, shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

101317. Notwithstanding any other provision of this chapter, or of the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and for the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds required or desirable under federal law to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

101318. (a) For the purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount not to exceed the

amount of the unsold bonds that have been authorized by the 2018 Higher Education Facilities Bond Act Finance Committee to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the 2018 Higher Education Capital Outlay Bond Fund consistent with this chapter. Any money made available under this section shall be returned to the General Fund, plus an amount equal to the interest that the money would have earned in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this chapter.

(b) Any request forwarded to the Legislature and the Department of Finance for funds from this bond issue for expenditure for the purposes described in this chapter by the University of California or the California State University shall be accompanied by the five-year capital outlay plan. Requests forwarded by a university or college shall include a schedule that prioritizes the seismic retrofitting needed to significantly reduce, by the 2022–23 fiscal year, in the judgment of the particular university or college, seismic hazards in buildings identified as high priority by the university or college.

101319. All money deposited in the 2018 Higher Education Capital Outlay Bond Fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

101320. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds described in this chapter includes the approval of the issuance of any bonds issued to refund any bonds originally issued under this chapter or any previously issued refunding bonds.

101321. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not “proceeds of taxes” as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

SEC. 2. Section 1 of this act shall take effect upon the adoption by the voters of the Higher Education Facilities Bond Act of 2018, as set forth in Section 1 of this act.

SEC. 3. Section 1 of this act shall be submitted to the voters at the November 6, 2018, statewide election.

Amendment 3
On page 2, strike out lines 1 to 22, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2774

Amendment 1

In the title, strike out line 1 and insert:

An act to add Sections 600.6, 600.7, and 600.8 to the Penal Code, relating to animal abuse.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 600.6 is added to the Penal Code, to read:

600.6. (a) As used in this section, "a conviction for animal abuse" means a conviction for violating or attempting to violate Section 597, 597a, 597b, 597f, 597h, 597j, 597s, 597.1, 597.5, or 600.

(b) (1) Upon a conviction for animal abuse, the court shall inform the arresting agency or local sheriff's department responsible for booking the person on the offense underlying the animal abuse conviction of the conviction and shall order that the offender's booking information be electronically forwarded to the Department of Justice within three days. The booking information shall consist of all of the following:

(A) The legal name and any other names or aliases that the person is using or has used.

(B) The person's date of birth.

(C) The current address or location of the person.

(D) The animal abuse offense for which the person was convicted, as supplied by the court.

(E) The date and place of the animal abuse offense conviction of the person, as supplied by the court.

(F) Any other information as may be required by the Department of Justice.

(G) The complete set of fingerprints and a photograph of the person.

(H) A description of any tattoos, scars, or other distinguishing features on the person's body that would assist in identifying the person.

(2) If a person convicted of animal abuse has not been booked, the court shall inform the arresting agency or local sheriff's department of the animal abuse offense for which the person was convicted and order the offender to be booked by the arresting agency or local sheriff's department within three days. The court shall order that the offender's booking information, as specified in paragraph (1), be electronically forwarded to the department within three days of the date of booking.

(c) Upon application by the prosecuting attorney's office, a court with continuing jurisdiction over a person previously convicted of animal abuse, as defined in this section, shall order the arresting agency or local sheriff's department to electronically forward the person's booking information, pursuant to paragraph (1) of subdivision (b), and the crime for which the offender was convicted to the Department of Justice within three days.

SEC. 2. Section 600.7 is added to the Penal Code, to read:



600.7. (a) On or before January 1, 2020, the Department of Justice shall make information concerning persons who were convicted as described in Section 600.6 available to specified law enforcement agencies, animal shelters, pet dealers, animal adoption centers, and animal-oriented businesses.

(b) For purposes of subdivision (a), the Department of Justice shall make the convicted person's booking information, as described in subdivision (b) of Section 600.6, available to specified law enforcement agencies, animal shelters, pet dealers, animal adoption centers, and animal-oriented businesses. However, the convicted person's criminal history, other than the specific animal abuse crimes for which the person was convicted, and the person's fingerprints shall not be included in the available information. The department shall update available information concerning persons convicted of animal abuse, as defined in Section 600.6, on an ongoing basis. The department may include other information that the department deems relevant. The information shall be translated into languages other than English as determined by the department. The information shall remain posted for five years after conviction of a misdemeanor offense designated in subdivision (a) of Section 600.6 and for 10 years after conviction of a felony offense designated in subdivision (a) of Section 600.6.

(c) (1) A designated law enforcement entity may make available the information described in subdivision (b) of Section 600.6 to specified law enforcement agencies, animal shelters, pet dealers, animal adoption centers, and animal-oriented businesses if it determines that access to the information is necessary to ensure animal safety based on information available to the law enforcement entity concerning the specific offender.

(2) For purposes of this section, "designated law enforcement entity" means the Department of Justice, the Division of Juvenile Justice, district attorneys, and state or local agencies expressly authorized by statute to investigate or prosecute law violators.

(d) The department shall also make the information available by telephone and upon written request where practicable.

(e) A designated law enforcement entity and its employees are immune from liability for good faith conduct under this section.

SEC. 3. Section 600.8 is added to the Penal Code, to read:

600.8. (a) A person convicted of an offense specified in subdivision (a) of Section 600.6 shall, in addition to any other penalty or fine imposed, be subject to a fine of two hundred dollars (\$200) for each misdemeanor conviction and a fine of five hundred dollars (\$500) for each felony conviction.

(b) Notwithstanding Section 1463.001, fines collected pursuant to subdivision (a) shall be deposited in the Animal Protection Fund, which is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation by the Legislature, to the Department of Justice, and shall be expended by the department for providing and updating information concerning persons convicted of animal abuse as defined in Section 600.6.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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Amendment 3

On page 1, strike out lines 1 to 5, inclusive, and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2783

Amendment 1

In the title, in line 1, after "act" insert:

to amend Section 4021 of the Business and Professions Code, and to amend Section 11007 of the Health and Safety Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 4021 of the Business and Professions Code is amended to read:

4021. (a) "Controlled substance" means ~~any a~~ a substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, Code and a substance listed in the controlled substance schedules in federal law and regulations, including sections 1308.11, 1308.12, 1308.13, 1308.14, and 1308.15 of Title 21 of the Code of Federal Regulations.

(b) When there is a conflict between the federal and state schedules, the schedule that is more closely regulated shall control.

SEC. 2. Section 11007 of the Health and Safety Code is amended to read:

11007. (a) "Controlled substance," unless otherwise specified, means a drug, substance, or immediate precursor ~~which that~~ is listed in any schedule in Section 11054, 11055, 11056, 11057, or 11058. 11058 and a substance listed in the controlled substance schedules in federal law and regulations, including Sections 1308.11, 1308.12, 1308.13, 1308.14, and 1308.15 of Title 21 of the Code of Federal Regulations.

(b) When there is a conflict between the federal and state schedules, the schedule that is more closely regulated shall control.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 3

On page 1, strike out lines 1 to 7, inclusive, and strike out pages 2 and 3



AMENDMENTS TO ASSEMBLY BILL NO. 2788

Amendment 1

In the title, in line 1, strike out "relating to teachers." and insert:

to add Chapter 4 (commencing with Section 50570) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Chapter 4 (commencing with Section 50570) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

CHAPTER 4. SCHOOL EMPLOYEE HOUSING ASSISTANCE PROGRAM

50570. For purposes of this chapter, the following terms have the following meanings:

(a) "Affordable housing" means housing that serves persons and families of low or moderate income as defined by Section 50093.

(b) "Qualified school district" means a school district that has acquired land that may be used to engage in a lease and development agreement, including, but not limited to, a joint occupancy agreement, for the purposes of design, construction, financing, and long-term operation of a housing development and amenities. The land shall be acquired from any of the following:

- (1) A school district.
- (2) A special district.
- (3) A city.

(c) "School district employee" means any employee of the school district, including teachers, and any employees of an entity described in Section 421 of the Education Code that is located within the jurisdictional boundaries of the school district.

50571. (a) The department shall administer a program to provide assistance for the creation of affordable housing for school district employees.

(b) The department shall adopt regulations for the administration of the program. The regulations shall address, but not be limited to, all of the following:

(1) Deadlines and written procedures for qualified school districts and qualified developers to apply for assistance pursuant to this chapter.

(2) To the extent feasible, procedures to ensure a reasonable geographic distribution of funds.

(3) Threshold requirements for project applications including, but not limited to, all of the following:

(A) A requirement that the proposed project be located within reasonable proximity to public transportation services.



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(B) A requirement that development costs for a project be reasonable compared to costs of comparable projects in the area.

(C) Parameters for feasibility of the project.

(D) A requirement that the project leverage other available funds.

Amendment 3

On page 1, strike out lines 1 and 2 and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2793

Amendment 1

In the title, in line 1, strike out "Section 36 of" and insert:

Sections 36 and 877 of, and to add Chapter 6 (commencing with Section 820) to Title 10 of Part 2 of,

Amendment 2

In the title, in line 2, strike out "courts." and insert:

civil claims.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. Section 36 of the Code of Civil Procedure is amended to read:

36. (a) A party to a civil action who is over 70 years of age may petition the court for a preference, which the court shall grant if the court makes both of the following findings:

(1) The party has a substantial interest in the action as a whole.

(2) The health of the party is such that a preference is necessary to prevent prejudicing the party's interest in the litigation.

(b) A civil action to recover damages for wrongful death or personal injury shall be entitled to preference upon the motion of any party to the action who is under 14 years of age unless the court finds that the party does not have a substantial interest in the case as a whole. A civil action subject to subdivision (a) shall be given preference over a case subject to this subdivision.

(c) Unless the court otherwise orders:

(1) A party may file and serve a motion for preference supported by a declaration of the moving party that all essential parties have been served with process or have appeared.

(2) At any time during the pendency of the action, a party who reaches 70 years of age may file and serve a motion for preference.

(d) In its discretion, the court may also grant a motion for preference that is accompanied by clear and convincing medical documentation that concludes that one of the parties suffers from an illness or condition raising substantial medical doubt of survival of that party beyond six months, and that satisfies the court that the interests of justice will be served by granting the preference.

(e) Notwithstanding any other ~~provision~~ of law, the court may in its discretion grant a motion for preference that is supported by a showing that satisfies the court that the interests of justice will be served by granting this preference.

(f) Upon the granting of ~~such~~ a motion for preference, the court shall set the matter for trial not more than 120 days from that date and there shall be no continuance



beyond 120 days from the granting of the motion for preference except for physical disability of a party or a party's attorney, or upon a showing of good cause stated in the record. ~~Any~~ A continuance shall be for no more than 15 days and no more than one continuance for physical disability may be granted to any party.

(g) Upon the granting of a motion for preference pursuant to subdivision (b), a party in an action based upon a health provider's alleged professional negligence, as defined in Section 364, shall receive a trial date not sooner than six months and not later than nine months from the date that the motion is granted.

(h) (1) A plaintiff who files a motion for preference in an asbestos tort action, as defined in Section 820, shall be entitled to preference over other asbestos actions if the plaintiff submits a certification under penalty of perjury that he or she has provided the defendant with all of the following:

(A) Copies of any claim the plaintiff has filed against an asbestos trust, as defined in Section 820, and all of the following related documents:

(i) Ballots.

(ii) Questionnaires.

(iii) Submitted or filed forms.

(iv) Summaries.

(v) Claims.

(vi) Placeholder claims.

(vii) Requests for extensions.

(viii) Requests for details.

(ix) All documents that support the documents described in paragraphs (1) to (8), inclusive.

(x) All communications related to the documents described in paragraphs (1) to (8), inclusive.

(xi) All documents filed, lodged, or submitted pursuant to Rule 2019 of the Federal Rules of Bankruptcy Procedure.

(B) The identity of any asbestos trust against which the plaintiff has a basis to make an asbestos trust claim, as defined in Section 820, and a list of any products containing asbestos that the plaintiff came into contact with or was exposed to prior to filing the complaint that were manufactured, distributed, sold, or placed by a bankrupt entity, and that would serve as a basis for the plaintiff to file an asbestos trust claim.

(2) If a court grants preference to the plaintiff pursuant to this subdivision, a defendant may file a motion to set aside preference if the defendant submits evidence of undisclosed potential asbestos trust claims.

SEC. 2. Chapter 6 (commencing with Section 820) is added to Title 10 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 6. ACTIONS RELATING TO ASBESTOS TORT CLAIMS

820. For purposes of this chapter, the following terms are defined as follows:

(a) "Asbestos tort action" means any action involving an asbestos tort claim.

(b) "Asbestos tort claim" means a claim for damages, loss, indemnification, contribution, restitution, or other relief, including punitive damages, related to the personal injury or death of a person arising out of an alleged exposure to asbestos,

including, without limitation, lost earnings or earning capacity, medical expenses, medical monitoring, loss of consortium, loss of the ability to provide household services, loss of love, companionship, comfort, care, assistance, protection, affection, society, moral support, training and guidance, mental or emotional distress, pain and suffering, or any other harm that may be asserted under law.

(c) "Asbestos trust" means a trust entity, qualified settlement fund, or claims processing facility established or in the process of being established pursuant to an administrative or legal action or a United States Bankruptcy court pursuant to Section 524(g) of Title 11 of the United States Code, or other law formed for the purpose of compensating claimants asserting eligible asbestos tort claims.

(d) "Asbestos trust claim" means any asbestos tort claim filed or that could be filed with an asbestos trust.

(e) "Asbestos trust claim documents" means all writings, as defined by Section 250 of the Evidence Code, and information relevant to a pending or potential claim against an asbestos trust, including any communications between the plaintiff and an asbestos trust and all proof of claim forms and supplementary or supporting materials submitted to or required by an asbestos trust, including, without limitation, affidavits, declarations, interrogatory responses, deposition and trial testimony, economic loss documentation, medical records, death certificates and certificates of official capacity.

(f) "Plaintiff" means a plaintiff in an asbestos tort action and any person acting on the plaintiff's behalf, including the plaintiff's attorney.

821. In an asbestos tort action, for a period of four years after entry of judgment, a plaintiff shall provide to all defendants copies of any claims filed against any asbestos trusts not previously provided to the defendant pursuant to subdivision (h) of Section 36.

822. In an asbestos tort action, the court shall retain jurisdiction over the action for four years after entry of judgment to hear motions, order discovery, make determinations regarding reduction of claims pursuant to Section 877 for any sums received by a plaintiff from an asbestos trust or from other defendants, whether received before or after entry of judgment, or to otherwise make determinations or enforce remedies regarding issues related to this chapter.

SEC. 3. Section 877 of the Code of Civil Procedure is amended to read:

877. Where a release, dismissal with or without prejudice, or a covenant not to sue or not to enforce judgment is given in good faith before verdict or judgment to one or more of a number of tortfeasors claimed to be liable for the same tort, or to one or more other co-obligors mutually subject to contribution rights, it shall have the following effect:

(a) (1) It shall not discharge any other such party from liability unless its terms so provide, but it shall reduce the claims against the others in the amount stipulated by the release, the ~~dismissal~~ dismissal, or the covenant, or in the amount of the consideration paid for it, whichever is the greater.

(2) This subdivision shall also apply to moneys received, or to be received, by or on behalf of a claimant from an asbestos trust, as defined by Section 820, whether the moneys are received before or after a verdict or judgment.

(b) It shall discharge the party to whom it is given from all liability for any contribution to any other parties.

(c) This section ~~shall~~ does not apply to co-obligors who have expressly agreed in writing to an apportionment of liability for losses or claims among themselves.

(d) This section ~~shall~~ does not apply to a release, dismissal with or without prejudice, or a covenant not to sue or not to enforce judgment given to a co-obligor on an alleged contract debt where the contract was made ~~prior to~~ before January 1, 1988.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 4

On page 2, strike out lines 1 to 38, inclusive, and strike out page 3

AMENDMENTS TO ASSEMBLY BILL NO. 2798

Amendment 1

In the heading, below line 1, insert:

(Principal coauthor: Assembly Member Aguiar-Curry)

Amendment 2

In the title, in line 1, after "act" insert:

to add Section 1272 to the Health and Safety Code,

Amendment 3

On page 1, before line 1, insert:

SECTION 1. It is the intent of the Legislature to provide the State Department of Public Health with the resources, staffing, training, and external consultants necessary to meet the requirements of this act.

SEC. 2. Section 1272 is added to the Health and Safety Code, to read:

1272. (a) If a general acute care hospital or an acute psychiatric hospital submits a written application to the department to modify or add a service or program, the following timelines shall apply:

(1) The department shall evaluate the written application for completeness and, if necessary, request additional information from the hospital within 15 business days of receipt of the application.

(2) The department shall approve or deny a completed written application within 45 business days of receipt of the completed application. If the application is not approved or denied within the 45 business day period, the written application shall be deemed approved on the 46th business day.

(3) Once the written application is approved, the district office of the department shall, within 30 business days from the date of approval, complete any additional review, including an on-site visit, if applicable, and submit its findings to the department. If the hospital's modified or additional service or program is approved, the department shall add it to the hospital's license and issue a new license on the 31st business day following approval of the written application. If the district office does not complete its review within the required 30 business days, the modified or additional service or program shall be deemed approved and the department shall add it to the hospital's license and issue a new license on the 31st business day following approval of the written application.

(b) If a general acute care hospital or an acute psychiatric hospital submits a written application to expand a service that it currently provides and that is currently approved by the department, the department shall, within 30 business days of receipt of the completed application, approve the expansion, add it to the hospital license, and issue a new license, unless the hospital is out of compliance with existing laws governing



the service to be expanded. The department shall not be required to conduct an onsite inspection of the service to approve the expansion. This subdivision does not preclude the department from conducting an onsite inspection of a hospital at any time or denying an application in accordance with this subdivision.

(c) A completed application for purposes of this section shall include all of the following:

(1) The appropriate forms, fees, and documentation, as determined by the department.

(2) A description of the type of service or program to be provided.

(3) Written policies and procedures for the service or program.

(4) Evidence of the hospital's compliance with applicable building standards and possession of a fire clearance for the service or program space.

(d) A general acute care hospital or an acute psychiatric hospital that receives a license to modify, add, or expand a service or program pursuant to this section shall comply with all laws related to that service or program.

(e) The department shall develop a centralized applications unit advice program to assist hospitals in identifying and completing the correct paperwork and other requirements necessary to modify, add, or expand a service or program.

(f) On or before December 31, 2019, the department shall develop an automated application system to process applications submitted pursuant to this section.

(g) The department shall publicly report metrics on the workload and timelines of the application process, including the workload of the centralized application unit advice program and local district offices, for all facility types and all application types. This data shall be posted quarterly on the department's Internet Web site.

(h) The resources necessary to implement this section shall, upon appropriation by the Legislature, be made available from the Internal Departmental Quality Improvement Account, established pursuant to subdivision (f) of Section 1280.15.

Amendment 4

On page 1, strike out lines 1 to 9, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2803

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to amend Sections 25316 and 25323.5 of the Health and Safety Code, relating to hazardous materials.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 25316 of the Health and Safety Code is amended to read: 25316. "Hazardous substance" means:

(a) ~~Any~~An substance designated pursuant to Section 1321 (b)(2)(A) of Title 33 of the United States Code.

(b) ~~Any~~An element, compound, mixture, solution, or substance designated pursuant to Section 102 of the federal act (42 U.S.C. Sec. 9602).

(c) ~~Any~~A hazardous waste having the characteristics identified under or listed pursuant to Section 6921 of Title 42 of the United States Code, but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Sec. 6901 et seq.) has been suspended by act of Congress.

(d) ~~Any~~A toxic pollutant listed under Section 1317 (a) of Title 33 of the United States Code.

(e) ~~Any~~A hazardous air pollutant listed under Section 7412 of Title 42 of the United States Code.

(f) ~~Any~~An imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action pursuant to Section 2606 of Title 15 of the United States Code.

(g) ~~Any~~A hazardous waste or extremely hazardous waste as defined by Sections 25117 and 25115, respectively, unless expressly excluded.

(h) Lead-based paint that is bioavailable.

SEC. 2. Section 25323.5 of the Health and Safety Code is amended to read:

25323.5. (a) (1) "Responsible party" or "liable person," for the purposes of this chapter, means those persons described in Section 107(a) of the federal act (42 U.S.C. Sec. 9607(a)).

(2) (A) Notwithstanding paragraph (1), but except as provided in subparagraph (B), a person is not a responsible party or liable person, for purposes of this chapter, for the reason that the person has developed or implemented innovative investigative or innovative remedial technology with regard to a release site, if the use of the technology has been approved by the department for the release site and the person would not otherwise be a responsible party or liable person. Upon approval of the use of the technology, the director shall acknowledge, in writing, that, upon proper completion of the innovative investigative or innovative remedial action at the release site, the immunity provided by this subparagraph shall apply to the person.

(B) Subparagraph (A) does not apply in any of the following cases:



(i) Conditions at the release site have deteriorated as a result of the negligence of the person who developed or implemented the innovative investigative or innovative remedial technology.

(ii) The person who developed or implemented the innovative investigative or innovative remedial technology withheld or misrepresented information that was relevant to the potential risks or harms of the technology.

(iii) The person who implemented the innovative investigative or innovative remedial technology did not follow the implementation process approved by the department.

(3) Notwithstanding paragraph (1), for a residential property contaminated with lead-based paint that is bioavailable, a person who owned or owns the property is not a responsible party or liable person for purposes of this chapter.

(b) For the purposes of this chapter, the defenses available to a responsible party or liable person shall be those defenses specified in Sections 101(35) and 107(b) of the federal act (42 U.S.C. Secs. 9601(35) and 9607(b)).

(c) Any person who unknowingly transports hazardous waste to a solid waste facility pursuant to the exemption provided in subdivision (e) of Section 25163 shall not be considered a responsible party for purposes of this chapter solely because of the act of transporting the waste. ~~Nothing in this subdivision shall~~ This subdivision does not affect the liability of this person for his or her negligent acts.

Amendment 3

On page 1, strike out lines 1 to 7, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2811

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to amend Sections 8590, 8590.1, 8590.2, 8590.3, and 8590.4 of, to amend the heading of Article 5.7 (commencing with Section 8590) of Chapter 7 of Division 1 of Title 2 of, and to add Sections 8590.5 and 8590.5.1 to, the Government Code, relating to emergency services.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. The heading of Article 5.7 (commencing with Section 8590) of Chapter 7 of Division 1 of Title 2 of the Government Code is amended to read:

Article 5.7. Firefighting ~~Thermal Imaging Equipment~~ for the 21st Century Act of 2001-
2018

SEC. 2. Section 8590 of the Government Code is amended to read:

8590. This article shall be known and may be cited as the Firefighting ~~Thermal Imaging Equipment~~ for the 21st Century Act of 2001-
2018.

SEC. 3. Section 8590.1 of the Government Code is amended to read:

8590.1. As used in this article, the following terms have the following meanings:

(a) "Advisory committee" means the advisory committee established pursuant to subdivision (a) of Section 8590.3.

~~(a)~~

(b) "Agency" or "office" means the Office of Emergency Services.

(c) "Fund" means the SMART Firefighting for the 21st Century Fund.

~~(b)~~

(d) "Local agency" means any city, county, city and county, fire district, special district, or joint powers agency that provides fire suppression services. "Local agency" also includes a fire company organized pursuant to Part 4 (commencing with Section 14825) of Division 12 of the Health and Safety Code.

(e) "Pilot program" means the SMART Firefighting for the 21st Century Pilot Program.

~~(e)~~

(f) "Secretary" or "director" means the Director of Emergency Services.

(g) "SMART firefighting equipment" means Specific-Measurable-Actionable-Relevant-Timely (SMART) equipment, systems, and tools that use sensors, databases, and wireless Internet access to assess the environment and apply experience-based programs to anticipate possible scenarios and evaluate optimal responses in firefighting.

~~(d)~~



(h) "State agency" means any state agency providing residential or institutional fire protection, including, but not limited to, the Department of Forestry and Fire Protection.

SEC. 4. Section 8590.2 of the Government Code is amended to read:

8590.2. ~~There is established in the office a thermal imaging equipment purchasing program~~ the SMART Firefighting for the 21st Century Pilot Program under which the office shall ~~acquire firefighting thermal imaging equipment on behalf of local and state agencies that are interested participate in obtaining this equipment.~~ provide grants to selected local and state agencies for the purpose of acquiring and utilizing SMART firefighting equipment.

SEC. 5. Section 8590.3 of the Government Code is amended to read:

8590.3. In administering the ~~purchasing pilot~~ program, the director shall do all of the following:

(a) No later than 45 days after the effective date of this article, establish an advisory committee, which shall be comprised of representatives of organizations including, but not limited to, the California Fire Chiefs Association, the Fire Districts Association of California, the California Professional Firefighters, the CDF Firefighters, and the California State Firefighters Association, Inc. The committee shall meet no later than 30 days after all members are appointed.

(b) Consult with the advisory committee regarding equipment specifications and other matters relating to the acquisition of ~~thermal imaging~~ SMART firefighting equipment, and require the advisory committee to formulate specifications no later than 120 days after its initial meeting.

(c) Notify all local and state agencies about the ~~purchasing program, including the opportunity to purchase additional units at the contract price, pilot program~~ and determine whether those agencies are interested in obtaining thermal imaging SMART firefighting equipment.

(d) ~~Purchase thermal imaging equipment at the lowest possible price from a reliable vendor that meets specified requirements. It is the intent of the Legislature that the director enter into a multiyear contract for this purpose no later than 180 days after the committee formulates specifications pursuant to subdivision (b).~~

(e) ~~Include a provision in the vendor contract allowing any local or state agency to purchase additional units directly from the vendor at the contract price.~~

(f) ~~Any local agency that elects to participate in the thermal imaging equipment purchasing program shall pay one-half of the contract price for each piece of equipment purchased on its behalf by the state.~~

SEC. 6. Section 8590.4 of the Government Code is amended to read:

8590.4. (a) ~~The director shall seek funding for the program from the private sector, grant programs, and other appropriate sources.~~

(b)

(a) ~~The director, after consultation with the advisory commission, shall distribute equipment purchased under the program in order to maximize its utilization by firefighters based on consideration of committee, shall choose no more than five pilot locations, with at least one location in a rural area, one in a suburban area, and one in an urban area, and shall select a fire department for the program in each location.~~ Locations shall be chosen throughout the state and shall represent different types of

firefighting challenges faced by fire departments. In selecting a location for the pilot program, the director shall consider the following factors:

- (1) Ability to share or move the SMART firefighting equipment to fire locations.
- (2) Availability of existing thermal imaging SMART firefighting equipment.
- (3) Geography.
- (4) Need based on frequency of fires.

(b) In order to be eligible for a grant under this article, a fire department shall, before the distribution of any funds, establish a labor management committee that is composed of equal number of representatives of the employer and employees. The members of a labor management committee who are employees shall be appointed by the recognized employee organization that represents firefighters in that jurisdiction.

(c) The fire department in each pilot location shall be eligible to receive a grant from the fund in amounts to be determined by the office, not to exceed five million dollars (\$5,000,000). A fire department that receives grant funds shall use those funds for the purpose authorized in that grant, which may include, but is not limited to, the following purposes:

- (1) The purchase of SMART firefighting equipment.
- (2) The training of department personnel in the use of that equipment.
- (3) Necessary staffing costs incurred by that fire department.

(d) There is hereby established in the State Treasury the SMART Firefighting for the 21st Century Fund. The moneys in the fund shall be available to the office, upon appropriation by the Legislature, for expenditure for the purposes of the pilot program, including the provision of grants to pilot program participants.

SEC. 7. Section 8590.5 is added to the Government Code, to read:

8590.5. (a) The director shall establish a task force for purposes of evaluating the effectiveness of the pilot program. The task force shall consist of the following members:

- (1) One member from each fire department in a pilot program location, chosen by that department.
- (2) The director or the director's chosen representative.
- (3) One member from the county or city government most closely aligned with the jurisdiction of the fire department in a pilot program location, as determined by the director, chosen by that county or city.
- (4) The chairperson of the Senate Committee on Budget and Fiscal Review or the chairperson's representative.
- (5) The chairperson of the Assembly Committee on Budget or the chairperson's representative.
- (6) One rank and file member from each fire department in a pilot location, chosen by that department.
- (7) One member of the California Fire Chiefs Association, chosen by the California Fire Chiefs Association.

(b) The task force shall submit a report to the Legislature, on or before January 1, 2021, regarding the status of the pilot program and its conclusions regarding its effectiveness.

(c) The report required pursuant to subdivision (b) shall be submitted in compliance with Section 9795.

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Substantive

SEC. 8. Section 8590.5.1 is added to the Government Code, immediately following Section 8590.5, to read:

8590.5.1. This article shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2022, deletes or extends that date.

Amendment 3

On page 1, strike out lines 1 to 5, inclusive, and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2812

Amendment 1

In the title, in line 1, strike out "relating to data protection standards." and insert:
to add Section 8592.42 to the Government Code, relating to information technology.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 8592.42 is added to the Government Code, to read:
8592.42. (a) Contingent upon the appropriation of the necessary funds by the Legislature, the Department of Technology shall create the Office of Cloud Migration.

(b) The Office of Cloud Migration shall promote cloud-based data storage as an efficient and cost-effective means of data storage and protection for local agencies and shall assist local agencies in integrating cloud-based storage into their information technology systems and their technology recovery plans. The office shall prioritize providing assistance to local agencies that are identified as needing to improve their information technology systems to more accessible and cost-effective cloud-based storage.

(c) (1) The Office of Cloud Migration shall operate in partnership with private industry and the nonprofit community to maximize the assistance provided to local agencies.

(2) There is hereby created in the State Treasury the Cloud Migration Local Assistance Fund, for the purpose of receipt of donations from private industry and the nonprofit community. Moneys in the fund, upon appropriation by the Legislature, shall be available to the Office of Cloud Migration for support of the purposes described in subdivision (b).

Amendment 3

On page 1, strike out lines 1 to 4, inclusive, and strike out page 2



AMENDMENTS TO ASSEMBLY BILL NO. 2813

Amendment 1

In the title, in line 1, strike out “relating to information security.” and insert:

to add Section 8586.5 to the Government Code, relating to emergency services.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 8586.5 is added to the Government Code, to read:

8586.5. (a) The Office of Emergency Services shall establish and lead the California Cybersecurity Integration Center. The California Cybersecurity Integration Center’s primary mission is to reduce the likelihood and severity of cyber incidents that could damage California’s economy, its critical infrastructure, or public and private sector computer networks in our state. The California Cybersecurity Integration Center shall serve as the central organizing hub of state government’s cybersecurity activities and coordinate information sharing with local, state, and federal agencies, tribal governments, utilities and other service providers, academic institutions, and nongovernmental organizations. The California Cybersecurity Integration Center shall be comprised of representatives from the following organizations:

- (1) The Office of Emergency Services.
- (2) The Office of Information Security.
- (3) The State Threat Assessment Center.
- (4) The Department of the California Highway Patrol.
- (5) The Military Department.
- (6) The Office of the Attorney General.
- (7) The California Health and Human Services Agency.
- (8) The California Utilities Emergency Association.
- (9) The California State University.
- (10) The University of California.
- (11) The California Community Colleges.
- (12) The United States Department of Homeland Security.
- (13) The United States Federal Bureau of Investigation.
- (14) The United States Secret Service.
- (15) The United States Coast Guard.
- (16) Other members as designated by the Director of Emergency Services.

(b) The California Cybersecurity Integration Center shall operate in close coordination with the California State Threat Assessment System and the United States Department of Homeland Security — National Cybersecurity and Communications Integration Center, including sharing cyber threat information that is received from utilities, academic institutions, private companies, and other appropriate sources. The California Cybersecurity Integration Center shall provide warnings of cyber attacks to government agencies and nongovernmental partners, coordinate information sharing among these entities, assess risks to critical infrastructure and information technology



networks, prioritize cyber threats and support public and private sector partners in protecting their vulnerable infrastructure and information technology networks, enable cross-sector coordination and sharing of recommended best practices and security measures, and support cybersecurity assessments, audits, and accountability programs that are required by state law to protect the information technology networks of California's agencies and departments.

(c) The California Cybersecurity Integration Center shall develop a statewide cybersecurity strategy, informed by recommendations from the California Task Force on Cybersecurity and in accordance with state and federal requirements, standards, and best practices. The cybersecurity strategy shall be developed to improve how cyber threats are identified, understood, and shared in order to reduce threats to California government, businesses and consumers. The strategy shall also strengthen cyber emergency preparedness and response, standardize implementation of data protection measures, enhance digital forensics and cyber investigative capabilities, deepen expertise among California's workforce of cybersecurity professionals, and expand cybersecurity awareness and public education.

(d) The California Cybersecurity Integration Center shall establish a Cyber Incident Response Team to serve as California's primary unit to lead cyber threat detection, reporting, and response in coordination with public and private entities across the state. This team shall also assist law enforcement agencies with primary jurisdiction for cyber-related criminal investigations and agencies responsible for advancing information security within state government. This team shall be comprised of personnel from agencies, departments, and organizations represented on the California Cybersecurity Integration Center.

(e) Information sharing by the California Cybersecurity Integration Center shall be conducted in a manner that protects the privacy and civil liberties of individuals, safeguards sensitive information, preserves business confidentiality, and enables public officials to detect, investigate, respond to, and prevent to cyber attacks that threaten public health and safety, economic stability and national security.

Amendment 3

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2816

Amendment 1

In the title, in line 1, strike out "amend Section 48645 of the Education Code, relating to", strike out line 2 and insert:

add Sections 17610.2 and 17610.3 to the Education Code, relating to pesticides.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. This act shall be known, and may be cited, as the Healthy Schools Act of 2018.

SEC. 2. The Legislature hereby finds and declares all of the following:

(a) Pesticides have been linked to numerous acute and chronic illnesses, including cancer and asthma.

(b) According to the federal Centers for Disease Control and Prevention, children between 6 and 11 years of age have higher levels of commonly used pesticides in their bodies than any other age group, with an average of six pesticides per child. According to research conducted by the University of California, San Francisco, children's diseases and conditions linked to pesticide exposure, which include learning disabilities, cancer of the brain and leukemia, birth defects, and asthma, have increased dramatically over the past 30 years. Because children's bodies and brains are still developing, exposure to pesticides can have irreversible detrimental effects. Our greatest care and caution in the use of pesticides should be employed when children are present.

(c) Recognizing the impact of pesticides on the school community, the Department of Pesticide Regulation has developed an Internet Web site, written training materials, and conducted regional training sessions to assist schools that have chosen to adopt least-toxic integrated pest management techniques and to eliminate use of the most dangerous pesticides. Many school districts and pest control operators have implemented integrated pest management programs that operate with greatly reduced use of pesticides. Many schools, maintenance staff, and pest control operators have made substantial progress since 2000 in reducing the use of pesticides on school campuses.

(d) However, many California public schools continue to use highly toxic pesticides. One-third of school districts use at least one nonexempt pesticide, as measured by the report titled, 2010 Integrated Pest Management Survey of California School Districts, prepared for the Department of Pesticide Regulation. From 2004 to 2010, surveys indicated no change in the proportion of school districts that use those less desirable pesticide practices, and 61 percent of school districts that responded to the 2010 survey stated that they were still broadcast spraying pesticides, one of the highest risk practices for exposing children and staff and contaminating the environment. Of the school districts that claimed to be implementing integrated pest management practices, 56 percent stated that the costs were the same or less than using chemical-intensive methods.



(e) According to the State Department of Education, there are over 1,000 school districts, and over 10,000 schools in California serving over 6,200,000 pupils.

(f) It is necessary to take precautionary measures to protect the health and safety of California schoolchildren and teachers, and better ensure a safe learning and working environment.

SEC. 3. Section 17610.2 is added to the Education Code, to read:

17610.2. (a) The indoor use of a pesticide on a schoolsite, excluding family day care homes, as defined in Section 1596.78 of the Health and Safety Code, is prohibited unless a local public health officer determines that a public health emergency exists requiring emergency application of a pesticide.

(b) For purposes of this section, "pesticide" does not include any of the following:

- (1) Antimicrobial pesticides and products.
- (2) Rodent bait used in a tamper-resistant, secured container.
- (3) Ready-to-use gel formulations of insecticide applied in areas inaccessible to pupils and the general public.
- (4) Insect bait used in a tamper-resistant container, or placed in an area inaccessible to pupils and the general public.

(5) Pesticides classified by the federal Environmental Protection Agency as exempt under Section 152.25 of Title 40 of the Code of Federal Regulations.

(6) Boric acid and disodium octaborate tetrahydrate.

(7) Horticultural soaps and oils containing no synthetic pesticides or synergists and exempt under Section 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136w(b)).

(c) If a local public health officer determines that a public health emergency exists requiring emergency application of a pesticide pursuant to subdivision (a), the pesticide shall not be sprayed, released, deposited, or applied indoors on the schoolsite while pupils are present or connected through the same ventilation system.

(d) This section does not abrogate the authority of county health officers, the Department of Food and Agriculture, mosquito and vector control districts, the State Department of Public Health, or other state agencies that are responsible for pest management decisions that may affect public schools in California.

(e) This section does not preclude a school district from adopting or enforcing stricter pesticide use policies.

SEC. 4. Section 17610.3 is added to the Education Code, to read:

17610.3. (a) The outdoor use of a pesticide on a schoolsite, excluding family day care homes, as defined in Section 1596.78 of the Health and Safety Code, is prohibited unless a local public health officer determines that a public health emergency exists requiring emergency application of a pesticide.

(b) For purposes of this section, "pesticide" does not include any of the following:

- (1) Antimicrobial pesticides and products.
- (2) An aerosol product exempt under Section 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136w(b)) with a direct spray, in a container of 18 fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting arthropods.

(3) Insect or rodent bait used in a tamper-resistant, secured container.

(4) Pesticides classified by the federal Environmental Protection Agency as exempt under Section 152.25 of Title 40 of the Code of Federal Regulations.

(5) Boric acid and disodium octaborate tetrahydrate.

(6) Horticultural soaps and oils containing no synthetic pesticides or synergists and exempt under Section 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136w(b)).

(7) Activities undertaken at a school by participants in the state program of agricultural career technical education, pursuant to Article 7 (commencing with Section 52450) of Chapter 9 of Part 28 of Division 4 of Title 2, if the activities are necessary to meet the curriculum requirements prescribed in Section 52454. Nothing in this subdivision relieves schools participating in the state program of agricultural career technical education of any duties pursuant to this section for activities that are not directly related to the curriculum requirements of Section 52454.

(8) Agricultural uses.

(c) If a local public health officer determines that a public health emergency exists requiring emergency application of a pesticide pursuant to subdivision (a), the pesticide shall not be sprayed, released, deposited, or applied outdoors on the schoolsite while pupils are located in, on, or adjacent to the area of the pesticide application.

(d) This section does not abrogate the authority of county health officers, the Department of Food and Agriculture, mosquito and vector control districts, the State Department of Public Health, or other state agencies that are responsible for pest management decisions that may affect public schools in California.

(e) This section does not preclude a school district from adopting or enforcing stricter pesticide use policies.

Amendment 3

On page 1, strike out lines 1 to 10, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2821

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to amend Section 18991.4 of the Welfare and Institutions Code, relating to health and human services.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 18991.4 of the Welfare and Institutions Code is amended to read:

18991.4. (a) (1) Notwithstanding the dates provided in subdivisions (a) and (b) of Section ~~18986.87~~, 18991.2, the ~~County Counties~~ of San Diego and Riverside may, upon approval of ~~the their respective~~ county board of supervisors, each operate an integrated and comprehensive county health and human services system.

(2) A system described in paragraph (1) shall comply with the requirements of this section and is subject to the approval of the California Health and Human Services Agency. The California Health and Human Services Agency shall grant approval for a county if the county furnishes a certified copy of a current ordinance or resolution authorizing an integrated and comprehensive health and human services system in that county.

(b) In providing services through an integrated system to families and individuals, the system may, among other things, do both of the following:

(1) Maintain and evaluate a system of administration that integrates and coordinates the management and support of client services.

(2) Maintain a system of reporting and accountability that provides for the combined provision of services without the loss of state or federal funds provided under current law.

(c) The integrated and comprehensive county health and human services system may include, but is not limited to, any of the following:

- (1) Adoption services.
- (2) Child abuse prevention services.
- (3) Child welfare services.
- (4) Delinquency prevention services.
- (5) Drug and alcohol services.
- (6) Mental health services.
- (7) Eligibility determination.
- (8) Employment and training services.
- (9) Foster care services.
- (10) Health services.
- (11) Public health services.
- (12) Housing services.
- (13) Medically indigent program services.



(14) Veterans' services.

(15) Aging services.

(16) Any other related program as designated by the board of supervisors.

(d) The county shall comply with all applicable state and federal privacy laws that govern medical and social service information, including, but not limited to, the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code), the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), and Sections 827, 5328, and ~~10850 of this code.~~ 10850.

(e) Programs or services shall be included in the system only to the extent that federal funding to either the state or the county will not be reduced as a result of the inclusion of the services in the project.

(f) This section does not authorize the county to discontinue meeting its obligations under current law to provide services or to reduce its accountability for the provision of these services.

(g) The county shall utilize any and all state general funds and county funds that it is legally allocated or entitled to receive. Through the creation of integrated health and social services structures, the county shall maximize federal matching funds. This integration shall not result in increased expenditures from the State General Fund.

(h) The appropriate state departments, as designated by the Secretary of Health and Human Services, that are assisting, participating, and cooperating in the program authorized by this section shall have the authority to waive regulations, with the concurrence of the county, regarding the method of providing services and the method of reporting and accountability, as may be required to meet the goals set forth in subdivision (b). However, the departments shall not waive regulations pertaining to privacy and confidentiality of records, civil service merit systems, or collective bargaining. The departments shall not waive regulations if the waiver results in a diminished amount or level of services or benefits to eligible recipients as compared to the benefits and services that would have been provided to recipients absent the waiver.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances regarding the provision of health and human services in the County of Riverside.

Amendment 3

On page 1, strike out lines 1 to 5, inclusive, and strike out page 2

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Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 2823

Amendment 1

On page 1, before line 1, insert:

SECTION 1. This act shall be known, and may be cited, as the Standing with Survivors Act of 2018.

Amendment 2

On page 1, in line 1, strike out "SECTION 1." and insert:

SEC. 2.

Amendment 3

On page 2, in line 35, strike out "paragraph (2) or (6) of"

Amendment 4

On page 2, in line 36, strike out "paragraph (1) or (4) of"

Amendment 5

On page 2, in line 38, strike out "(c) or (d)" and insert:

(c), (d), (f), (g), (i), (j), or (k)

Amendment 6

On page 2, in line 39, strike out "(c) or (d)" and insert:

(c), (d), (f), (g), (i), (j), or (k)

Amendment 7

On page 3, in line 16, strike out "(a)" and insert:

(a), (c), (d), (e), (f), (g),



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Amendment 8

On page 4, between lines 2 and 3, insert:

(24) Human trafficking as defined in subdivision (b) or (c) of Section 236.1.

Amendment 9

On page 5, below line 21, insert:

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

AMENDMENTS TO ASSEMBLY BILL NO. 2827

Amendment 1

In the title, in line 1, after "act" insert:

to amend Sections 7285.1 and 7285.2 of the Government Code, and to amend Sections 90.2 and 1019.2 of the Labor Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 7285.1 of the Government Code is amended to read:

7285.1. (a) Except as otherwise required by federal law, an employer, or a person acting on behalf of the employer, ~~shall not may~~ provide voluntary consent to an immigration enforcement agent to enter any nonpublic areas of a place of labor. This section does not apply if the immigration enforcement agent provides a judicial warrant. As used in this subdivision, "voluntary consent" means providing an invitation or offer without being asked, either expressly or impliedly.

~~(b) An employer who violates subdivision (a) shall be subject to a civil penalty of two thousand dollars (\$2,000) up to five thousand dollars (\$5,000) for a first violation and five thousand dollars (\$5,000) up to ten thousand dollars (\$10,000) for each subsequent violation. If a court finds that an immigration enforcement agent was permitted to enter a nonpublic area of a place of labor without the consent of the employer or other person in control of the place of labor, the civil penalty shall not apply. "Violation" means each incident when it is found that subdivision (a) was violated without reference to the number of employees, the number of immigration enforcement agents involved in the incident, or the number of locations affected in a day.~~

~~(e)~~

(b) This section shall not preclude an employer or person acting on behalf of an employer from taking the immigration enforcement agent to a nonpublic area, where employees are not present, for the purpose of verifying whether the immigration enforcement agent has a judicial warrant, provided no consent to search nonpublic areas is given in the process. This section does not require an employer to verify the validity of a judicial warrant.

~~(d)~~

(c) (1) The exclusive authority to enforce this section is granted to the Labor Commissioner or the Attorney General and enforcement shall be through civil action. Any penalty recovered shall be deposited in the Labor Enforcement and Compliance Fund.

(2) The court shall grant a prevailing defendant court costs and reasonable attorney's fees.

~~(e)~~

(d) This section applies to public and private employers.

SEC. 2. Section 7285.2 of the Government Code is amended to read:



7285.2. (a) (1) Except as otherwise required by federal law, and except as provided in paragraph (2), an employer, or a person acting on behalf of the employer, ~~shall not~~ may provide voluntary consent to an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena or judicial warrant. This section does not prohibit an employer, or person acting on behalf of an employer, from challenging the validity of a subpoena or judicial warrant in a federal district court. As used in this subdivision, "voluntary consent" means providing an invitation or offer without being asked, either expressly or impliedly.

(2) This section does not prohibit an employer, or a person acting on behalf of an employer, from challenging the validity of a subpoena or judicial warrant in a federal district court.

(3) This section does not require an employer to verify the validity of a subpoena or judicial warrant.

~~(2)~~

(4) This subdivision shall not apply to I-9 Employment Eligibility Verification forms and other documents for which a Notice of Inspection has been provided to the employer.

~~(b) An employer who violates subdivision (a) shall be subject to a civil penalty of two thousand dollars (\$2,000) up to five thousand dollars (\$5,000) for a first violation and five thousand dollars (\$5,000) up to ten thousand dollars (\$10,000) for each subsequent violation. If a court finds that an immigration enforcement agent was permitted to access, review, or obtain the employer's employee records without the consent of the employer or other person in control of the place of labor, the civil penalty shall not apply. "Violation" means each incident when it is found that subdivision (a) was violated without reference to the number of employees, the number of immigration enforcement agents involved in the incident, or the number of employee records accessed, reviewed, or obtained.~~

~~(e)~~

~~(b) (1) The exclusive authority to enforce this section is granted to the Labor Commissioner or the Attorney General and enforcement shall be through civil action. Any penalty recovered shall be deposited in the Labor Enforcement and Compliance Fund.~~

(2) The court shall grant a prevailing defendant court costs and reasonable attorney's fees.

~~(d)~~

(c) This section applies to public and private employers.

SEC. 3. Section 90.2 of the Labor Code is amended to read:

90.2. (a) (1) Except as otherwise required by federal law, an employer shall provide a notice to each current employee, by posting in the language the employer normally uses to communicate employment-related information to the employee, of any inspections of I-9 Employment Eligibility Verification forms or other employment records conducted by an immigration agency within 72 hours of receiving notice of the inspection. Written notice shall also be given within 72 hours to the employee's authorized representative, if any. The posted notice shall contain the following information:

(A) The name of the immigration agency conducting the inspections of I-9 Employment Eligibility Verification forms or other employment records.

(B) The date that the employer received notice of the inspection.

(C) The nature of the inspection to the extent known.

(D) A copy of the Notice of Inspection of I-9 Employment Eligibility Verification forms for the inspection to be conducted.

(2) On or before July 1, 2018, the Labor Commissioner shall develop a template posting that employers may use to comply with the requirements of subdivision (a) to inform employees of a notice of inspection to be conducted of I-9 Employment Eligibility Verification forms or other employment records conducted by an immigration agency. The posting shall be available on the Labor Commissioner's Internet Web site so that it is accessible to any employer.

(3) An employer, upon reasonable request, shall provide an affected employee a copy of the Notice of Inspection of I-9 Employment Eligibility Verification forms.

(b) (1) Except as otherwise required by federal law, an employer shall provide to each current affected employee, and to the employee's authorized representative, if any, a copy of the written immigration agency notice that provides the results of the inspection of I-9 Employment Eligibility Verification forms or other employment records within 72 hours of its receipt of the notice. Within 72 hours of its receipt of this notice, the employer shall also provide to each affected employee, and to the affected employee's authorized representative, if any, written notice of the obligations of the employer and the affected employee arising from the results of the inspection of I-9 Employment Eligibility Verification forms or other employment records. The notice shall relate to the affected employee only and shall be delivered by hand at the workplace if possible and, if hand delivery is not possible, by mail and email, if the email address of the employee is known, and to the employee's authorized representative. The notice shall contain the following information:

(A) A description of any and all deficiencies or other items identified in the written immigration inspection results notice related to the affected employee.

(B) The time period for correcting any potential deficiencies identified by the immigration agency.

(C) The time and date of any meeting with the employer to correct any identified deficiencies.

(D) Notice that the employee has the right to representation during any meeting scheduled with the employer.

(2) For purposes of this subdivision, an "affected employee" is an employee identified by the immigration agency inspection results to be an employee who may lack work authorization, or an employee whose work authorization documents have been identified by the immigration agency inspection to have deficiencies.

~~(e) An employer who fails to provide the notices required by this section shall be subject to a civil penalty of two thousand dollars (\$2,000) up to five thousand dollars (\$5,000) for a first violation and five thousand dollars (\$5,000) up to ten thousand dollars (\$10,000) for each subsequent violation. This section does not require a penalty to be imposed upon an employer or person who fails to provide notice to an employee at the express and specific direction or request of the federal government. The penalty shall be recoverable by the Labor Commissioner.~~

~~(d)~~

(c) For purposes of this section, an "employee's authorized representative" means an exclusive collective bargaining representative.

(e)

(d) This section applies to public and private employers.

(f)

(e) In accordance with state and federal law, nothing in this chapter shall be interpreted, construed, or applied to restrict or limit an employer's compliance with a memorandum of understanding governing the use of the federal E-Verify system.

SEC. 4. Section 1019.2 of the Labor Code is amended to read:

1019.2. (a) Except as otherwise required by federal law, a public or private employer, or a person acting on behalf of a public or private employer, ~~shall not may~~ reverify the employment eligibility of a current employee at a time or in a manner not required by Section 1324a(b) of Title 8 of the United States Code, if the employer receives specific and articulable information that causes the employer to believe reverification is necessary.

~~(b) (1) Except as provided in paragraph (2), an employer who violates subdivision (a) shall be subject to a civil penalty of up to ten thousand dollars (\$10,000). The penalty shall be recoverable by the Labor Commissioner.~~

~~(2) The actions of an employer that violate subdivision (a) and result in a civil penalty under paragraph (1) shall not also form the basis for liability or penalty under Section 1019.1.~~

(e)

(b) In accordance with state and federal law, nothing in this chapter shall be interpreted, construed, or applied to restrict or limit an employer's compliance with a memorandum of understanding governing the use of the federal E-Verify system.

Amendment 3

On page 2, strike out lines 1 to 8, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2831

Amendment 1

In the title, in line 1, after "act" insert:

to add Section 25711.9 to the Public Resources Code,

Amendment 2

In the title, in line 1, strike out "business." and insert:

renewable energy.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. Section 25711.9 is added to the Public Resources Code, to read:
25711.9. (a) The commission shall work with green business certification organizations to assess how the benefits of the Electric Program Investment Charge (EPIC) program may better serve small and micro businesses, consistent with Section 25711.6.

(b) Subject to subdivision (a), the commission shall more actively allocate benefits of the EPIC program to small and micro businesses.

(c) For purposes of this section, "small business" means a business that has less than 100 employees and "micro business" is a business that has less than 25 employees.

Amendment 4

On page 2, strike out lines 1 to 6, inclusive



AMENDMENTS TO ASSEMBLY BILL NO. 2836

Amendment 1

In the title, in line 1, after "act" insert:

to amend Section 8014 of, and to add Article 3 (commencing with Section 8025) to Chapter 5 of Part 2 of Division 7 of, the Health and Safety Code, and to amend Section 5097.94 of the Public Resources Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) It is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.

(2) Museums located within the University of California system are subject to the mandates of the federal Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. Sec. 3001 et seq.) and the California Native American Graves Protection and Repatriation Act of 2001 (Chapter 5 (commencing with Section 8010) of Part 2 of Division 7 of the Health and Safety Code).

(3) The Phoebe A. Hearst Museum of Anthropology at the University of California, Berkeley, contains one of the largest collections of Native American human remains and cultural items within the United States.

(4) The federal Native American Graves Protection and Repatriation Act and the California Native American Graves Protection and Repatriation Act are human rights laws.

(5) Article 12 of the United Nations Declaration on the Rights of Indigenous Peoples recognizes the right of indigenous peoples to the repatriation of their human remains, and recognizes that the repatriation of ceremonial objects and human remains should be achieved through fair, transparent, and effective mechanisms developed in conjunction with the indigenous peoples concerned.

(6) There is a history of resistance by some campuses within the University of California system to comply with the repatriation mandates of both federal and state laws with respect to Native American human remains and cultural items.

(7) The University of California's Policy and Procedures on Curation and Repatriation of Human Remains and Cultural Items (UC Policy), which was adopted on May 1, 2001, and is still operative at the time of this enactment, lacks mandated policies and procedures for the repatriation of human remains and cultural items, which has resulted in the inconsistent application of the federal law and the UC Policy across the University of California's campuses and museums.

(8) The UC Policy does not mandate campus-level processes, but rather provides as follows: "Campuses are encouraged to solicit input on significant policy matters, as appropriate, from members of Native American and Native Hawaiian groups and from additional University faculty members drawn from a variety of disciplines in which the study, treatment, curation, and repatriation of human remains is relevant.



Campuses are encouraged to forward input received from such consultations to the Office of the President via their Advisory Group Representative.” This lack of directive has resulted in some campuses failing to comply at all with the UC Policy, while other campuses are in varying degrees of compliance.

(9) The absence of required policies with respect to repatriation has led some University of California campuses to exclude or limit the participation of stakeholders who could bring valuable knowledge to the repatriation process. This includes legitimate tribal representatives who may have interests in the collections as well as campus specialists in Native American or ethnic studies.

(10) The UC Policy focuses too heavily on the perceived educational and research potential that remains and cultural items have to the enhancement of knowledge in various disciplines, rather than considering the cultural and religious concerns of tribes and repatriating the remains and cultural items to their tribal communities.

(b) In recognition of the inconsistent application of the University of California’s Policy and Procedures on Curation and Repatriation of Human Remains and Cultural Items and the historic repatriation failures of some campuses and museums within the University of California with respect to Native American human remains and cultural items, it is the intent of the Legislature, in enacting this act, to accomplish the following:

(1) Recognize that the repatriation of human remains and cultural items is a fundamental human right for all California Native American tribes.

(2) Recognize that the repatriation of Native American human remains and cultural items is a paramount priority for all campuses and museums within the University of California.

(3) Require the University of California to adopt minimum standards and policy requirements for the repatriation of Native American human remains and cultural items pursuant to federal and state law, to be implemented by each campus.

(4) Establish within the University of California a mandatory systemwide Native American Graves Protection and Repatriation Act Implementation and Oversight Committee and establish a campus-level Native American Graves Protection and Repatriation Act Implementation Committee at each campus that is subject to the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.).

(5) Establish mandatory eligibility criteria for individuals serving on a Native American Graves Protection and Repatriation Act Committee within the University of California system.

(6) Mandate tribal consultation and participation in developing the policies, procedures, and guidelines of the University of California and in developing supplemental policies, procedures, and guidelines adopted by each campus to comply with and implement those systemwide requirements.

(7) Establish a biennial reporting requirement to the Legislature on the University of California’s progress with repatriation efforts under state and federal laws.

SEC. 2. Section 8014 of the Health and Safety Code is amended to read:

8014. A tribe claiming state cultural affiliation and requesting the return of human remains and cultural items listed in the inventory or summary of an agency or museum or that requests the return of human remains and cultural items that are not listed in the inventory but are believed to be in the possession or control of the agency or museum in the state shall do both of the following:

(a) File a written request for the human remains and cultural items with the commission and the agency or museum believed to have possession or control.

(b) Provide evidence that would establish that items claimed are cultural items and are culturally affiliated with the California Indian tribe making the claim. Evidence of cultural affiliation need not be provided in cases where cultural affiliation is reasonably established by the inventory or ~~summary~~ summary or a finding by a federal or state agency, published in the Federal Register, in compliance with the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.).

SEC. 3. Article 3 (commencing with Section 8025) is added to Chapter 5 of Part 2 of Division 7 of the Health and Safety Code, to read:

Article 3. University of California Implementation

8025. (a) In order to better implement the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.), the Regents of the University of California shall do all the following:

(1) Support the systemwide Native American Graves Protection and Repatriation Act Implementation and Oversight Committee and each campus Native American Graves Protection and Repatriation Act Implementation Committee, as required to be established pursuant to Section 8026.

(2) (A) Adopt and implement systemwide policies regarding the culturally appropriate treatment of Native American human remains and cultural items while in the possession of a University of California campus or museum, including policies regarding research requests and testing following the submission of a request for repatriation.

(B) Adopt and implement clear and transparent policies, procedures, and guidelines on the systemwide requirements for submitting claims for the repatriation of human remains and cultural items, demonstrating cultural affiliation, dispute resolution regarding repatriation claims, and any other relevant subject governed by the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.) and this chapter.

(C) Adopt or amend systemwide University of California museum deaccessioning policies to explicitly provide for the deaccession of collections containing Native American human remains and cultural items to effect the timely and respectful repatriation of those items pursuant to valid claims submitted by a California Indian tribe.

(3) Develop all policies, procedures, and guidelines pursuant to paragraph (2) in consultation with California Indian tribes. Each California Indian tribe that is on the contact list maintained by the commission shall be invited to consult on the proposed policies, procedures, and guidelines.

(4) Timely submit the policies, procedures, and guidelines adopted pursuant to paragraph (2) to the commission, so they may be approved pursuant to subdivision (q) of Section 5097.94 of the Public Resources Code by July 1, 2019.

(5) Ensure that each campus Native American Graves Protection and Repatriation Act Implementation Committee utilizes the policies, procedures, and guidelines adopted pursuant to paragraph (2), and approved by the commission pursuant to subdivision (q) of Section 5097.94 of the Public Resources Code.

(6) Adopt procedures ensuring a right to appeal any determination by a campus Native American Graves Protection and Repatriation Act Implementation Committee that denies cultural affiliation directly to the systemwide Native American Graves Protection and Repatriation Act Implementation and Oversight Committee.

(b) (1) A campus of the University of California may adopt policies, procedures, or guidelines to supplement the systemwide policies adopted pursuant to paragraph (2) of subdivision (a) if the campus Native American Graves Protection and Repatriation Act Implementation Committee determines that individual circumstances involving that campus are not adequately addressed in the adopted and approved systemwide policies, procedures, and guidelines.

(2) Any campus-specific policies, procedures, or guidelines shall be developed and submitted to the commission for review and approval within six months of the commission's approval of the systemwide policies, procedures, and guidelines.

8026. (a) (1) The Regents of the University of California shall establish a systemwide Native American Graves Protection and Repatriation Act Implementation and Oversight Committee, which shall also be known as the U.C. NAGPRA Committee.

(2) The membership of the committee shall be as follows:

(A) Two voting members of an Indian tribe as described in paragraph (1) of subdivision (j) of Section 8012, meeting the requirements of subdivision (c).

(B) One voting members of an Indian tribe as described in paragraph (2) of subdivision (j) of Section 8012, meeting the requirements of subdivision (c).

(C) Four voting members from the University of California. Not fewer than two of these members shall be affiliated with an American Indian or Native American Studies program and each of these members shall meet the requirements of subdivision (d).

(D) One nonvoting member from each campus of the University of California that is subject to the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.). Each of these nonvoting members shall meet the requirements of subdivision (d).

(3) The regents or the regents' designee shall appoint members to the committee upon nomination by the commission.

(b) (1) Each campus of the University of California that is subject to the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.) shall establish a campus Native American Graves Protection and Repatriation Act Implementation Committee, which shall also be known as the NAGPRA Committee for that campus.

(2) The membership of the campus committee shall be as follows:

(A) Two voting members of an Indian tribe as described in paragraph (1) of subdivision (j) of Section 8012, meeting the requirements of subdivision (c).

(B) One voting members of an Indian tribe as described in paragraph (2) of subdivision (j) of Section 8012, meeting the requirements of subdivision (c).

(C) Three voting members from the University of California. At least one of these members shall be affiliated with an American Indian or Native American Studies program and each of these members shall meet the requirements of subdivision (d).

(3) The regents or the regents' designee shall appoint members to the committees upon nomination by the commission.

(4) All claims for repatriation or claims of any violation of the policies, procedures, or guidelines adopted pursuant to Section 8025 shall be submitted to the campus Native American Graves Protection and Repatriation Act Implementation Committee for determination.

(c) (1) A voting member of a California Indian tribe shall be an elder, spiritual leader, tribal leader, or tribal member with a minimum of five years' prior experience in any of the following:

(A) Repatriation of human remains and cultural items pursuant to the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.).

(B) Cultural resources protection under tribal, state, and federal law.

(C) Consultation with state and federal entities and agencies.

(2) Preference shall be given to members of a California Indian tribe. If no members of a California Indian tribe meeting the qualifications of paragraph (1) are available, members of other tribes may serve.

(d) (1) A representative of the University of California shall meet the following criteria:

(A) Have a graduate degree in either Archaeology, Anthropology, Native American Studies, Ethnic Studies, or History, with a focus in California.

(B) Have a minimum of five years' experience working in his or her field of study.

(2) Preference shall be given to members who have demonstrated, through their professional experience, the ability to work in collaboration with Native American tribes on issues related to repatriation or museum collection management.

(3) In the event that candidates from the University of California are not available or do not meet the criteria of paragraph (1), the University of California representative positions may be filled by individuals not affiliated with the University of California, but who meet the criteria of paragraph (1).

8027. The Regents of the University of California may delegate responsibilities pursuant to this article to the President of the University of California or another person determined to be appropriate.

8028. The California State Auditor, in accordance with Chapter 6.5 (commencing with Section 8543) of Division 1 of Title 2 of the Government Code, shall conduct an audit every two years regarding the University of California's compliance with the federal Native American Graves Protection Repatriation Act (25 U.S.C. Sec. 3001 et seq.) and this chapter. The State Auditor shall report its findings to the Legislature and to all other appropriate entities.

SEC. 4. Section 5097.94 of the Public Resources Code is amended to read:

5097.94. The commission shall have the following powers and duties:

(a) To identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands. The identification and cataloguing of known graves and cemeteries shall be completed on or before January 1, 1984. The commission shall notify landowners on whose property the graves and cemeteries are determined to exist, and shall identify the Native American group most likely descended from those Native Americans who may be interred on the property.

(b) To make recommendations relative to Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural

significance to Native Americans for acquisition by the state or other public agencies for the purpose of facilitating or assuring access thereto by Native Americans.

(c) To make recommendations to the Legislature relative to procedures that will voluntarily encourage private property owners to preserve and protect sacred places in a natural state and to allow appropriate access to Native American religionists for ceremonial or spiritual activities.

(d) To appoint necessary clerical staff.

(e) To accept grants or donations, real or in kind, to carry out the purposes of this chapter and the California Native American Graves Protection and Repatriation Act of 2001 (Chapter 5 (commencing with Section 8010) of Part 2 of Division 7 of the Health and Safety Code).

(f) To make recommendations to the Director of Parks and Recreation and the California Arts Council relative to the California State Indian Museum and other Indian matters touched upon by department programs.

(g) To bring an action to prevent severe and irreparable damage to, or assure appropriate access for Native Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, pursuant to Section 5097.97. If the court finds that severe and irreparable damage will occur or that appropriate access will be denied, and appropriate mitigation measures are not available, it shall issue an injunction, unless it finds, on clear and convincing evidence, that the public interest and necessity require otherwise. The Attorney General shall represent the commission and the state in litigation concerning affairs of the commission, unless the Attorney General has determined to represent the agency against whom the commission's action is directed, in which case the commission shall be authorized to employ other counsel. In an action to enforce this subdivision the commission shall introduce evidence showing that a cemetery, place, site, or shrine has been historically regarded as a sacred or sanctified place by Native American people and represents a place of unique historical and cultural significance to an Indian tribe or community.

(h) To request and utilize the advice and service of all federal, state, local, and regional agencies, including for purposes of carrying out the California Native American Graves Protection and Repatriation Act of 2001 (Chapter 5 (commencing with Section 8010) of Part 2 of Division 7 of the Health and Safety Code).

(i) To assist Native Americans in obtaining appropriate access to sacred places that are located on public lands for ceremonial or spiritual activities.

(j) To assist state agencies in any negotiations with agencies of the federal government for the protection of Native American sacred places that are located on federal lands.

(k) (1) To mediate, upon application of either of the parties, disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials.

(2) The agreements shall provide protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction and provide for sensitive treatment and disposition of Native American burials, skeletal remains, and associated grave goods consistent with the planned use of, or the approved project on, the land.

(l) To assist interested landowners in developing agreements with appropriate Native American groups for treating or disposing, with appropriate dignity, of the human remains and any items associated with Native American burials.

(m) To provide each California Native American tribe, as defined in Section 21073, on or before July 1, 2016, with a list of all public agencies that may be a lead agency pursuant to Division 13 (commencing with Section 21000) within the geographic area with which the tribe is traditionally and culturally affiliated, the contact information of those public agencies, and information on how the tribe may request the public agency to notify the tribe of projects within the jurisdiction of those public agencies for the purposes of requesting consultation pursuant to Section 21080.3.1.

(n) (1) To assume the powers and duties of the former Repatriation Oversight Commission and meet, when necessary and at least quarterly, to perform the following duties:

(A) Order the repatriation of human remains and cultural items in accordance with the act.

(B) Establish mediation procedures and, upon the application of the parties involved, mediate disputes among tribes and museums and agencies relating to the disposition of human remains and cultural items. The commission shall have the power of subpoena for purposes of discovery and may impose civil penalties against any agency or museum that intentionally or willfully fails to comply with the act. Members of the commission and commission staff shall receive training in mediation for purposes of this subparagraph. The commission may delegate its responsibility to mediate disputes to a certified mediator or commission staff.

(C) Establish and maintain an Internet Web site for communication among tribes and museums and agencies.

(D) Upon the request of tribes or museums and agencies, analyze and make decisions regarding providing financial assistance to aid in specific repatriation activities.

(E) Make recommendations to the Legislature to assist tribes in obtaining the dedication of appropriate state lands for the purposes of reinterment of human remains and cultural items.

(F) (i) Prepare and submit to the Legislature an annual report detailing commission activities, disbursement of funds, and dispute resolutions relating to the repatriation activities under the act.

(ii) A report submitted to the Legislature pursuant to this subparagraph shall be submitted in compliance with Section 9795 of the Government Code.

(G) Refer any known noncompliance with the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.) to the United States Attorney General and the Secretary of the Interior.

(H) Impose administrative civil penalties pursuant to Section 8029 of the Health and Safety Code against an agency or museum that is determined by the commission to have violated the act.

(I) Establish those rules and regulations the commission determines to be necessary for the administration of the act.

(2) For purposes of this subdivision, the following terms have the following meanings:

(A) "Act" means the California Native American Graves Protection and Repatriation Act (Chapter 5 (commencing with Section 8010) of Part 2 of Division 7 of the Health and Safety Code).

(B) "Tribe" means a "California Indian tribe" as that term is used in the act.

(o) (1) To establish and assess a fee on a person or public or private entity that is reasonably related to the cost of conducting a search of catalogs, described in subdivision (a), inventories, described in Section 5097.96, or lists, described in Section 21073, for that person or entity, which funds shall be available to the commission upon appropriation by the Legislature.

(2) The Legislature finds that, pursuant to subdivision (b) of Section 3 of Article XIII A of the California Constitution, the fees established pursuant to paragraph (1) are not taxes. To the extent that these fees are appropriated through the Budget Act for the purposes for which they are collected to provide services to the people of the State of California, the Legislature finds that these fees are not subject to Article XIII B of the California Constitution.

(p) Solicit, review, and nominate persons for membership on the systemwide Native American Graves Protection and Repatriation Act Implementation and Oversight Committee and the campus Native American Graves Protection and Repatriation Act Implementation Committees pursuant Article 3 (commencing with Section 8025) of Chapter 5 of Part 2 of Division 7 of the Health and Safety Code.

(q) Review, provide comment and guidance on, and approve all policies, procedures, and guidelines proposed pursuant to Article 3 (commencing with Section 8025) of Chapter 5 of Part 2 of Division 7 of the Health and Safety Code.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2843

Amendment 1

In the title, in line 1, after "act" insert:

to amend Sections 5892 and 5899.1 of the Welfare and Institutions Code,

Amendment 2

In the title, in line 1, strike out "health." and insert:

health, and making an appropriation therefor.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. Section 5892 of the Welfare and Institutions Code is amended to read:

5892. (a) In order to promote efficient implementation of this act, the county shall use funds distributed from the Mental Health Services Fund as follows:

(1) In 2005–06, 2006–07, and in 2007–08, 10 percent shall be placed in a trust fund to be expended for education and training programs pursuant to Part 3.1.

(2) In 2005–06, 2006–07, and in 2007–08, 10 percent for capital facilities and technological needs distributed to counties in accordance with a formula developed in consultation with the County Behavioral Health Directors Association of California to implement plans developed pursuant to Section 5847.

(3) Twenty percent of funds distributed to the counties pursuant to subdivision (c) of Section 5891 shall be used for prevention and early intervention programs in accordance with Part 3.6 (commencing with Section ~~5840~~ of this division, 5840).

(4) The expenditure for prevention and early intervention may be increased in any county in which the department determines that the increase will decrease the need and cost for additional services to severely mentally ill persons in that county by an amount at least commensurate with the proposed increase.

(5) The balance of funds shall be distributed to county mental health programs for services to persons with severe mental illnesses pursuant to Part 4 (commencing with Section 5850) for the children's system of care and Part 3 (commencing with Section 5800) for the adult and older adult system of care. These services may include housing assistance, as defined in Section 5892.5, to the target population specified in Section 5600.3.

(6) Five percent of the total funding for each county mental health program for Part 3 (commencing with Section 5800), Part 3.6 (commencing with Section 5840), and Part 4 (commencing with Section ~~5850~~ of this division, 5850), shall be utilized for innovative programs in accordance with Sections 5830, 5847, and 5848.

(b) In any fiscal year after 2007–08; the 2007-08 fiscal year, programs for services pursuant to Part 3 (commencing with Section 5800) and Part 4 (commencing with



Section 5850) of this division may include funds for technological needs and capital facilities, human resource needs, and a prudent reserve to ensure services do not have to be significantly reduced in years in which revenues are below the average of previous years. The total allocation for purposes authorized by this subdivision shall not exceed 20 percent of the average amount of funds allocated to that county for the previous five fiscal years pursuant to this section.

(c) The allocations pursuant to subdivisions (a) and (b) shall include funding for annual planning costs pursuant to Section 5848. The total of these costs shall not exceed 5 percent of the total of annual revenues received for the fund. The planning costs shall include funds for county mental health programs to pay for the costs of consumers, family members, and other stakeholders to participate in the planning process and for the planning and implementation required for private provider contracts to be significantly expanded to provide additional services pursuant to Part 3 (commencing with Section 5800) and Part 4 (commencing with Section ~~5850) of this division.~~ 5850).

(d) Prior to making the allocations pursuant to subdivisions (a), (b), and (c), funds shall be reserved for the costs for the State Department of Health Care Services, the California Behavioral Health Planning Council, the Office of Statewide Health Planning and Development, the Mental Health Services Oversight and Accountability Commission, the State Department of Public Health, and any other state agency to implement all duties pursuant to the programs set forth in this section. These costs shall not exceed 5 percent of the total of annual revenues received for the fund. The administrative costs shall include funds to assist consumers and family members to ensure the appropriate state and county agencies give full consideration to concerns about quality, structure of service delivery, or access to services. The amounts allocated for administration shall include amounts sufficient to ensure adequate research and evaluation regarding the effectiveness of services being provided and achievement of the outcome measures set forth in Part 3 (commencing with Section 5800), Part 3.6 (commencing with Section 5840), and Part 4 (commencing with Section ~~5850) of this division.~~ 5850). The amount of funds available for the purposes of this subdivision in any fiscal year ~~shall be~~ is subject to appropriation in the annual Budget Act.

(e) ~~In 2004-05, the 2004-05 fiscal year,~~ funds shall be allocated as follows:

(1) Forty-five percent for education and training pursuant to Part 3.1 (commencing with Section ~~5820) of this division.~~ 5820).

(2) Forty-five percent for capital facilities and technology needs in the manner specified by paragraph (2) of subdivision (a).

(3) Five percent for local planning in the manner specified in subdivision (c).

(4) Five percent for state implementation in the manner specified in subdivision

(d).

(f) Each county shall place all funds received from the State Mental Health Services Fund in a local Mental Health Services Fund. The Local Mental Health Services Fund balance shall be invested consistent with other county funds and the interest earned on the investments shall be transferred into the fund. The earnings on investment of these funds shall be available for distribution from the fund in future fiscal years.

(g) All expenditures for county mental health programs shall be consistent with a currently approved plan or update pursuant to Section 5847.

(h) (1) Other than funds placed in a reserve in accordance with an approved plan, any funds allocated to a county that have not been spent for their authorized purpose within three years shall revert to the state to be deposited into the fund and available for other ~~counties~~ counties, or cities, special districts, school districts, or other public entities, in future years, provided however, that funds for capital facilities, technological needs, or education and training may be retained for up to 10 years before reverting to the fund.

(2) If a county receives approval from the Mental Health Services Oversight and Accountability Commission of a plan for innovative programs, pursuant to subdivision (e) of Section 5830, the county's funds identified in that plan for innovative programs shall not revert to the state pursuant to paragraph (1) until three years after the date of the approval.

(3) Notwithstanding paragraph (1), any funds allocated to a county with a population of less than 200,000 that have not been spent for their authorized purpose within five years shall revert to the state as described in paragraph (1).

(4) Notwithstanding paragraphs (1) and (2), if a county with a population of less than 200,000 receives approval from the Mental Health Services Oversight and Accountability Commission of a plan for innovative programs, pursuant to subdivision (e) of Section 5830, the county's funds identified in that plan for innovative programs shall not revert to the state pursuant to paragraph (1) until five years after the date of the approval.

(i) If there are still additional revenues available in the fund after the Mental Health Services Oversight and Accountability Commission has determined there are prudent reserves and no unmet needs for any of the programs funded pursuant to this section, including all purposes of the Prevention and Early Intervention Program, the commission shall develop a plan for expenditures of these revenues to further the purposes of this act and the Legislature may appropriate these funds for any purpose consistent with the commission's adopted plan that furthers the purposes of this act.

(j) For the 2011–12 fiscal year, General Fund revenues will be insufficient to fully fund many existing mental health programs, including Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), Medi-Cal Specialty Mental Health Managed Care, and mental health services provided for special education pupils. In order to adequately fund those programs for the 2011–12 fiscal year and avoid deeper reductions in programs that serve individuals with severe mental illness and the most vulnerable, medically needy citizens of the state, prior to distribution of funds under paragraphs (1) to (6), inclusive, of subdivision (a), effective July 1, 2011, moneys shall be allocated from the Mental Health Services Fund to the counties as follows:

(1) Commencing July 1, 2011, one hundred eighty-three million six hundred thousand dollars (\$183,600,000) of the funds available as of July 1, 2011, in the Mental Health Services Fund, shall be allocated in a manner consistent with subdivision (c) of Section 5778 and based on a formula determined by the state in consultation with the County Behavioral Health Directors Association of California to meet the fiscal year 2011–12 General Fund obligation for Medi-Cal Specialty Mental Health Managed Care.

(2) Upon completion of the allocation in paragraph (1), the Controller shall distribute to counties ninety-eight million five hundred eighty-six thousand dollars (\$98,586,000) from the Mental Health Services Fund for mental health services for

special education pupils based on a formula determined by the state in consultation with the County Behavioral Health Directors Association of California.

(3) Upon completion of the allocation in paragraph (2), the Controller shall distribute to counties 50 percent of their 2011–12 Mental Health Services Act component allocations consistent with Sections 5847 and 5891, not to exceed four hundred eighty-eight million dollars (\$488,000,000). This allocation shall commence beginning August 1, 2011.

(4) Upon completion of the allocation in paragraph (3), and as revenues are deposited into the Mental Health Services Fund, the Controller shall distribute five hundred seventy-nine million dollars (\$579,000,000) from the Mental Health Services Fund to counties to meet the General Fund obligation for EPSDT for the 2011–12 fiscal year. These revenues shall be distributed to counties on a quarterly basis and based on a formula determined by the state in consultation with the County Behavioral Health Directors Association of California. These funds shall not be subject to reconciliation or cost settlement.

(5) The Controller shall distribute to counties the remaining 2011–12 Mental Health Services Act component allocations consistent with Sections 5847 and 5891, beginning no later than April 30, 2012. These remaining allocations shall be made on a monthly basis.

(6) The total one-time allocation from the Mental Health Services Fund for EPSDT, Medi-Cal Specialty Mental Health Managed Care, and mental health services provided to special education pupils as referenced shall not exceed eight hundred sixty-two million dollars (\$862,000,000). Any revenues deposited in the Mental Health Services Fund in the 2011–12 fiscal year that exceed this obligation shall be distributed to counties for remaining fiscal year 2011–12 Mental Health Services Act component allocations, consistent with Sections 5847 and 5891.

(k) Subdivision (j) shall not be subject to repayment.

(l) Subdivision (j) shall become inoperative on July 1, 2012.

SEC. 2. Section 5899.1 of the Welfare and Institutions Code is amended to read:

5899.1. (a) On or after July 1, 2017, funds subject to reversion pursuant to subdivision (h) of Section 5892 shall be reallocated to other counties for the purposes for which the unspent funds were initially allocated to the original-county, county, or to cities, special districts, school districts, or other public entities for the provision of mental health services consistent with the intent of the Mental Health Services Act.

(b) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department, without taking any further regulatory action, may implement, interpret, or make specific this section, Section 5892.1, and subdivision (h) of Section 5892, by means of all-county letters or other similar instructions, until applicable regulations are adopted in accordance with Section 5898, or until July 1, 2019, whichever occurs first. The all-county letters or other similar instructions shall be issued only after the department provides the opportunity for public participation and comments.

SEC. 3. The Legislature finds and declares that this act is consistent with, and furthers the intent of, the Mental Health Services Act within the meaning of Section 18 of the Mental Health Services Act.

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Substantive

Amendment 4
On page 2, strike out lines 1 to 8, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2844

Amendment 1

In the title, in line 1, strike out "amend Section 11557 of" and insert:

add Section 769.1 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 769.1 is added to the Insurance Code, to read:

769.1. A commission payable to a broker-agent shall be at the rate and in accordance with the terms agreed to in writing between the insurer and the broker-agent. A commission that complies with the requirements of subdivisions (c) and (d) of Section 769 and subdivision (a) of Section 1861.16 and that is paid in accordance with the written agreement is conclusively presumed to be lawful.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive, and strike out page 2



AMENDMENTS TO ASSEMBLY BILL NO. 2845

Amendment 1

In the title, in line 1, strike out "relating to pardons." and insert:

to amend Section 12952 of the Government Code, to amend Sections 4802, 4803, 4810, 4812, 4813, 4850, 4851, 4852.06, 4852.14, and 4852.18 of, and to add Section 4802.5 to, the Penal Code, relating to pardons.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. This act shall be known, and may be cited, as the Pardon and Commutation Reform Act of 2018.

SEC. 2. Section 12952 of the Government Code is amended to read:

12952. (a) Except as provided in subdivision (d), it is an unlawful employment practice for an employer with five or more employees to do any of the following:

(1) To include on any application for employment, before the employer makes a conditional offer of employment to the applicant, any question that seeks the disclosure of an applicant's conviction history.

(2) To inquire into or consider the conviction history of the applicant, including any inquiry about conviction history on any employment application, until after the employer has made a conditional offer of employment to the applicant.

(3) To consider, distribute, or disseminate information about any of the following while conducting a conviction history background check in connection with any application for employment:

(A) Arrest not followed by conviction, except in the circumstances as permitted in paragraph (1) of subdivision (a) and subdivision (f) of Section 432.7 of the Labor Code.

(B) Referral to or participation in a pretrial or posttrial diversion program.

(C) Convictions that have been sealed, dismissed, expunged, or statutorily eradicated pursuant to ~~law~~ law, or any conviction for which the convicted person has received a full pardon or has been issued a certificate of rehabilitation.

(4) To interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

(b) This section shall not be construed to prevent an employer from conducting a conviction history background check not in conflict with the provisions of subdivision (a).

(c) (1) (A) An employer that intends to deny an applicant a position of employment solely or in part because of the applicant's conviction history shall make an individualized assessment of whether the applicant's conviction history has a direct and adverse relationship with the specific duties of the job that justify denying the applicant the position. In making the assessment described in this paragraph, the employer shall consider all of the following:

(i) The nature and gravity of the offense or conduct.



(ii) The time that has passed since the offense or conduct and completion of the sentence.

(iii) The nature of the job held or sought.

(B) An employer may, but is not required to, commit the results of this individualized assessment to writing.

(2) If the employer makes a preliminary decision that the applicant's conviction history disqualifies the applicant from employment, the employer shall notify the applicant of this preliminary decision in writing. That notification may, but is not required to, justify or explain the employer's reasoning for making the preliminary decision. The notification shall contain all of the following:

(A) Notice of the disqualifying conviction or convictions that are the basis for the preliminary decision to rescind the offer.

(B) A copy of the conviction history report, if any.

(C) An explanation of the applicant's right to respond to the notice of the employer's preliminary decision before that decision becomes final and the deadline by which to respond. The explanation shall inform the applicant that the response may include submission of evidence challenging the accuracy of the conviction history report that is the basis for rescinding the offer, evidence of rehabilitation or mitigating circumstances, or both.

(3) The applicant shall have at least five business days to respond to the notice provided to the applicant under paragraph (2) before the employer may make a final decision. If, within the five business days, the applicant notifies the employer in writing that the applicant disputes the accuracy of the conviction history report that was the basis for the preliminary decision to rescind the offer and that the applicant is taking specific steps to obtain evidence supporting that assertion, then the applicant shall have five additional business days to respond to the notice.

(4) The employer shall consider information submitted by the applicant pursuant to paragraph (3) before making a final decision.

(5) If an employer makes a final decision to deny an application solely or in part because of the applicant's conviction history, the employer shall notify the applicant in writing of all the following:

(A) The final denial or disqualification. The employer may, but is not required to, justify or explain the employer's reasoning for making the final denial or disqualification.

(B) Any existing procedure the employer has for the applicant to challenge the decision or request reconsideration.

(C) The right to file a complaint with the department.

(d) This section does not apply in any of the following circumstances:

(1) To a position for which a state or local agency is otherwise required by law to conduct a conviction history background check.

(2) To a position with a criminal justice agency, as defined in Section 13101 of the Penal Code.

(3) To a position as a Farm Labor Contractor, as described in Section 1685 of the Labor Code.

(4) To a position where an employer or agent thereof is required by any state, federal, or local law to conduct criminal background checks for employment purposes or to restrict employment based on criminal history. For purposes of this paragraph,

federal law shall include rules or regulations promulgated by a self-regulatory organization as defined in Section 3(a)(26) of the Securities Exchange Act of 1934, as amended by 124 Stat. 1652 (Public Law 111-203), pursuant to the authority in Section 19(b) of the Securities Exchange Act of 1934, as amended by 124 Stat. 1652 (Public Law 111-203).

(e) The remedies under this section shall be in addition to and not in derogation of all other rights and remedies that an applicant may have under any other law, including any local ordinance.

(f) For purposes of this section:

(1) "Conviction" has the same meaning as defined in paragraphs (1) and (3) of subdivision (a) of Section 432.7 of the Labor Code.

(2) Notwithstanding paragraph (1), the term "conviction history" includes:

(A) An arrest not resulting in conviction only in the specific, limited circumstances described in subdivision (f) of Section 432.7 of the Labor Code, when an employer at a health facility, as defined in Section 1250 of the Health and Safety Code, may ask an applicant for certain positions about specified types of arrests.

(B) An arrest for which an individual is out on bail or his or her own recognizance pending trial.

SEC. 3. Section 4802 of the Penal Code is amended to read:

4802. In the case of a person twice convicted of felony, the application for pardon or commutation of sentence shall be made directly to the Governor, who shall transmit all papers and documents relied upon in support of and in opposition to the application to the ~~Board of Parole Hearings~~, Pardon and Commutation Panel.

SEC. 4. Section 4802.5 is added to the Penal Code, to read:

4802.5. The Governor shall make the application for a pardon available for submission on the Governor's Office Internet Web site and all applications for a direct pardon received by the Governor shall be promptly forwarded to the Pardon and Commutation Panel for an investigation and recommendation to the Governor. Applications supported by a certificate of rehabilitation may be granted by the Governor without investigation and recommendation by the Pardon and Commutation Panel in accordance with Section 4852.16.

SEC. 5. Section 4803 of the Penal Code is amended to read:

4803. When an application is made to the Governor for pardon or commutation of sentence, or when an application has been referred to the ~~Board of Parole Hearings~~, Pardon and Commutation Panel, the Governor or the ~~board panel~~ may require the judge of the court before which the conviction was had, or the district attorney by whom the action was prosecuted, to furnish the Governor or the ~~board panel~~, without delay, with a summarized statement of the facts proved on the trial, and of any other facts having reference to the propriety of granting or refusing said application, together with his or her recommendation for or against the granting of the same and his or her reason for such recommendation.

SEC. 6. Section 4810 of the Penal Code is amended to read:

4810. (a) ~~The Board of Parole Hearings~~ Except as provided in Section 4801, the Pardon and Commutation Panel shall succeed to and shall exercise and perform all powers and duties granted to and imposed upon the Advisory Pardon Board by law. Board of Parole Hearings with respect to pardons and commutations.

(b) ~~The Advisory Pardon Board is abolished.~~

(e) ~~The report required of the Board of Parole Hearings by Section 4814 may be included in the report of the department.~~

(b) The Pardon and Commutation Panel is hereby established to review, investigate, and make recommendations regarding pardon and commutation applications to the Governor.

(c) The Pardon and Commutation Panel shall be comprised of five commissioners, appointed by the Governor, each serving a maximum of two four-year terms.

(d) The Pardon and Commutation Panel shall consist of commissioners with expertise and experience in community-based reentry, community-based risk assessment issues, and immigration law.

(e) The Pardon and Commutation Panel shall meet at least once a month to review applications and issue recommendations in writing to the Governor on pardons and commutations. The recommendation of a majority of the full panel shall be the panel's recommendation to the Governor. Recommendations to the Governor shall include explanations for the reasons for their recommendation.

(f) The Pardon and Commutation Panel shall review and issue recommendations on applications for pardons and commutations within one year of submission of the application, or within three months of submission of the application if the petitioner indicates in the application an urgent need for the pardon, including, but not limited to, a pending deportation order or proceeding. If a petitioner has a pending deportation hearing, the panel shall review the application and issue a recommendation prior to the hearing, as soon as reasonably possible. The panel shall provide electronic written notification to applicants after the panel receives the application, when the panel begins investigation on the application, and when the panel has issued a recommendation on the application.

SEC. 7. Section 4812 of the Penal Code is amended to read:

4812. Upon request of the Governor, the ~~Board of Parole Hearings~~ Pardon and Commutation Panel shall investigate and report on all applications for reprieves, pardons, and commutation of sentence and shall make such recommendations to the Governor with reference thereto as to it may seem advisable. To that end the ~~board panel~~ shall examine and consider all applications so referred and all transcripts of judicial proceedings and all affidavits or other documents submitted in connection therewith, and shall have power to employ assistants and take testimony and to examine witnesses under oath and to do any and all things necessary to make a full and complete investigation of and concerning all applications referred to it. Members of the ~~board panel~~ and its administrative officer are, and each of them is, hereby authorized to administer oaths.

SEC. 8. Section 4813 of the Penal Code is amended to read:

4813. In the case of applications of persons twice convicted of a felony, the ~~Board of Parole Hearings~~ Pardon and Commutation Panel after investigation, shall transmit its written recommendation upon such application to the Governor, together with all papers filed in connection with the application.

SEC. 9. Section 4850 of the Penal Code is amended to read:

4850. An application that has not received a recommendation from the ~~Board of Parole Hearings~~ Pardon and Commutation Panel favorable to the applicant shall not be forwarded to the Clerk/Executive Officer of the Supreme Court, unless the Governor, notwithstanding the fact that the ~~board panel~~ has failed to make a recommendation

favorable to the applicant, especially refers an application to the justices for their recommendation.

SEC. 10. Section 4851 of the Penal Code is amended to read:

4851. In all cases where the ~~Board of Parole Hearings~~ Pardon and Commutation Panel has made a recommendation favorable to the applicant and in those cases referred by the Governor, notwithstanding an adverse recommendation, the application, together with all papers and documents relied upon in support of and in opposition to the application, including prison records and recommendation of the ~~Board of Prison Terms,~~ Pardon and Commutation Panel, shall be forwarded to the Clerk/Executive Officer of the Supreme Court for consideration of the justices.

SEC. 11. Section 4852.06 of the Penal Code is amended to read:

4852.06. After the expiration of the minimum period of rehabilitation ~~applicable to him or her and after the termination of parole, probation, postrelease supervision, or mandatory supervision,~~ a person who has complied with the requirements of Section 4852.05 may file in the superior court of the county in which he or she then resides or in which he or she was convicted of a felony or of a crime the accusatory pleading of which was dismissed pursuant to Section 1203.4, a petition for ascertainment and declaration of the fact of his or her rehabilitation and of matters incident thereto, and for a certificate of rehabilitation under this chapter. ~~A petition shall not be filed until and unless the petitioner has continuously resided in this state, after leaving prison or jail, for a period of not less than five years immediately preceding the date of filing the petition.~~

SEC. 12. Section 4852.14 of the Penal Code is amended to read:

4852.14. The clerk of the court shall immediately transmit certified copies of the certificate of rehabilitation to the Governor, to the ~~Board of Parole Hearings~~ Pardon and Commutation Panel, and the Department of Justice, and, in the case of persons twice convicted of a felony, to the Supreme Court.

SEC. 13. Section 4852.18 of the Penal Code is amended to read:

4852.18. The ~~Board of Parole Hearings~~ Pardon and Commutation Panel shall furnish to the clerk of the superior court of each county a set of sample forms for a petition for certificate of rehabilitation and pardon, a notice of filing of petition for certificate of rehabilitation and pardon, and a certificate of rehabilitation. The clerk of the court shall have a sufficient number of these forms printed to meet the needs of the people of the ~~county,~~ county, shall post these forms on the court's Internet Web site, and shall make these forms available at no charge to persons requesting them.

Amendment 3

On page 1, strike out lines 1 and 2